

BROWNFIELD CLEANUP PROGRAM APPLICATION

**Lakeside Village Apartments
65 and 57 Lake Avenue
Lancaster, New York 14086
BCP # C915344**

**June 15, 2019
Revised August 5, 2019**

Submitted to:
Chief, Site Control Section
New York State Department of Environmental Conservation
Division of Environmental Remediation
625 Broadway
Albany, New York 12233-7020

On Behalf Of:
65 Lake Avenue LLC
32 Central Avenue, Lancaster, NY 14086

Prepared By:
Matrix Environmental Technologies, Inc.
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(716) 574-1513





BROWNFIELD CLEANUP PROGRAM (BCP) APPLICATION FORM

DEC requires an application to request major changes to the description of the property set forth in a Brownfield Cleanup Agreement, or "BCA" (e.g., adding a significant amount of new property, or adding property that could affect an eligibility determination due to contamination levels or intended land use). Such application must be submitted and processed in the same manner as the original application, including the required public comment period. **Is this an application to amend an existing BCA?**

Yes

No

If yes, provide existing site number: _____

PART A (note: application is separated into Parts A and B for DEC review purposes) *BCP App Rev 10*

Section I. Requestor Information - See Instructions for Further Guidance

DEC USE ONLY
BCP SITE #:

NAME

ADDRESS

CITY/TOWN

ZIP CODE

PHONE

FAX

E-MAIL

Is the requestor authorized to conduct business in New York State (NYS)?

Yes

No

- If the requestor is a Corporation, LLC, LLP or other entity requiring authorization from the NYS Department of State to conduct business in NYS, the requestor's name must appear, exactly as given above, in the [NYS Department of State's Corporation & Business Entity Database](#). A print-out of entity information from the database must be submitted to the New York State Department of Environmental Conservation (DEC) with the application to document that the requestor is authorized to do business in NYS. **Please note:** If the requestor is an LLC, the members/owners names need to be provided on a separate attachment. **Please see Section I Attachments**

Do all individuals that will be certifying documents meet the requirements detailed below?

Yes

No

- Individuals that will be certifying BCP documents, as well as their employers, meet the requirements of Section 1.5 of [DER-10: Technical Guidance for Site Investigation and Remediation](#) and Article 145 of New York State Education Law. **Documents that are not properly certified will be not approved under the BCP.**

Section II. Project Description

1. What stage is the project starting at?

Investigation

Remediation

NOTE: If the project is proposed to start at the remediation stage, a Remedial Investigation Report (RIR) at a minimum is required to be attached, resulting in a 30-day public comment period. If an Alternatives Analysis and Remedial Work Plan are also attached (see DER-10 / Technical Guidance for Site Investigation and Remediation for further guidance) then a 45-day public comment period is required.

2. If a final RIR is included, please verify it meets the requirements of Environmental Conservation Law (ECL) Article 27-1415(2):

Yes

No

3. Please attach a short description of the overall development project, including:

- the date that the remedial program is to start; and **Please see Section II Attachments**
- the date the Certificate of Completion is anticipated.

Section III. Property's Environmental History

All applications **must include** an Investigation Report (per ECL 27-1407(1)). The report must be sufficient to establish contamination of environmental media on the site above applicable Standards, Criteria and Guidance (SCGs) based on the reasonably anticipated use of the property.

To the extent that existing information/studies/reports are available to the requestor, please attach the following (***please submit the information requested in this section in electronic format only***):

1. **Reports:** an example of an Investigation Report is a Phase II Environmental Site Assessment report prepared in accordance with the latest American Society for Testing and Materials standard (ASTM E1903). **Please submit a separate electronic copy of each report in Portable Document Format (PDF).**

2. SAMPLING DATA: INDICATE KNOWN CONTAMINANTS AND THE MEDIA WHICH ARE KNOWN TO HAVE BEEN AFFECTED. LABORATORY REPORTS SHOULD BE REFERENCED AND COPIES INCLUDED.

Contaminant Category	Soil	Groundwater	Soil Gas
Petroleum			
Chlorinated Solvents			
Other VOCs			
SVOCs			
Metals			
Pesticides			
PCBs			
Other*			

*Please describe: _____

3. FOR EACH IMPACTED MEDIUM INDICATED ABOVE, INCLUDE A SITE DRAWING INDICATING:

- **SAMPLE LOCATION**
- **DATE OF SAMPLING EVENT**
- **KEY CONTAMINANTS AND CONCENTRATION DETECTED**
- **FOR SOIL, HIGHLIGHT IF ABOVE REASONABLY ANTICIPATED USE**
- **FOR GROUNDWATER, HIGHLIGHT EXCEEDANCES OF 6NYCRR PART 703.5**
- **FOR SOIL GAS/ SOIL VAPOR/ INDOOR AIR, HIGHLIGHT IF ABOVE MITIGATE LEVELS ON THE NEW YORK STATE DEPARTMENT OF HEALTH MATRIX**

Please see Section III Attachments

THESE DRAWINGS ARE TO BE REPRESENTATIVE OF ALL DATA BEING RELIED UPON TO MAKE THE CASE THAT THE SITE IS IN NEED OF REMEDIATION UNDER THE BCP. DRAWINGS SHOULD NOT BE BIGGER THAN 11" X 17". THESE DRAWINGS SHOULD BE PREPARED IN ACCORDANCE WITH ANY GUIDANCE PROVIDED.

ARE THE REQUIRED MAPS INCLUDED WITH THE APPLICATION?*

(*answering No will result in an incomplete application)

Yes

No

4. INDICATE PAST LAND USES (CHECK ALL THAT APPLY):

Coal Gas Manufacturing	Manufacturing	Agricultural Co-op	Dry Cleaner
Salvage Yard	Bulk Plant	Pipeline	Service Station
Landfill	Tannery	Electroplating	Unknown

Other: _____

Section IV. Property Information - See Instructions for Further Guidance				
PROPOSED SITE NAME				
ADDRESS/LOCATION				
CITY/TOWN		ZIP CODE		
MUNICIPALITY(IF MORE THAN ONE, LIST ALL):				
COUNTY		SITE SIZE (ACRES)		
LATITUDE (degrees/minutes/seconds) ° ' "		LONGITUDE (degrees/minutes/seconds) ° ' "		
Complete tax map information for all tax parcels included within the proposed site boundary. If a portion of any lot is proposed , please indicate as such by inserting "P/O" in front of the lot number in the appropriate box below, and only include the acreage for that portion of the tax parcel in the corresponding far right column.ATTACH REQUIRED MAPS PER THE APPLICATION INSTRUCTIONS.				
Parcel Address	Please see Section IV Attachments	Section No.	Block No.	Lot No. Acreage
1. Do the proposed site boundaries correspond to tax map metes and bounds? If no, please attach an accurate map of the proposed site.			Yes	No
2. Is the required property map attached to the application? (application will not be processed without map)			Yes	No
3. Is the property within a designated Environmental Zone (En-zone) pursuant to Tax Law 21(b)(6)? (See DEC's website for more information)			Yes	No
If yes, identify census tract : _____				
Percentage of property in En-zone (check one): 0-49% 50-99% 100%				
4. Is this application one of multiple applications for a large development project, where the development project spans more than 25 acres (see additional criteria in BCP application instructions)? Yes No				
If yes, identify name of properties (and site numbers if available) in related BCP applications:_____				
5. Is the contamination from groundwater or soil vapor solely emanating from property other than the site subject to the present application?			Yes	No
6. Has the property previously been remediated pursuant to Titles 9, 13, or 14 of ECL Article 27, Title 5 of ECL Article 56, or Article 12 of Navigation Law? If yes, attach relevant supporting documentation.			Yes	No
7. Are there any lands under water? If yes, these lands should be clearly delineated on the site map.			Yes	No

Section IV. Property Information (continued)

8. Are there any easements or existing rights of way that would preclude remediation in these areas?
If yes, identify here and attach appropriate information. Yes No

Easement/Right-of-way Holder

Description

9. List of Permits issued by the DEC or USEPA Relating to the Proposed Site (type here or attach information)

Type

Issuing Agency

Description

10. Property Description and Environmental Assessment – **please refer to application instructions for the proper format of each narrative requested.**

Are the Property Description and Environmental Assessment narratives included in the **prescribed format**?

Yes No

Note: Questions 11 through 13 only pertain to sites located within the five counties comprising New York City

11. Is the requestor seeking a determination that the site is eligible for tangible property tax credits? Yes No

If yes, requestor must answer questions on the supplement at the end of this form.

12. Is the Requestor now, or will the Requestor in the future, seek a determination that the property is Upside Down? Yes No

13. If you have answered Yes to Question 12, above, is an independent appraisal of the value of the property, as of the date of application, prepared under the hypothetical condition that the property is not contaminated, included with the application? Yes No

NOTE: If a tangible property tax credit determination is not being requested in the application to participate in the BCP, the applicant may seek this determination at any time before issuance of a certificate of completion by using the BCP Amendment Application, except for sites seeking eligibility under the underutilized category.

If any changes to Section IV are required prior to application approval, a new page, initialed by each requestor, must be submitted.

Initials of each Requestor: _____

BCP application - PART B (note: application is separated into Parts A and B for DEC review purposes)

Section V. Additional Requestor Information See Instructions for Further Guidance		DEC USE ONLY BCP SITE NAME: _____ BCP SITE #: _____	
NAME OF REQUESTOR'S AUTHORIZED REPRESENTATIVE			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S CONSULTANT			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
NAME OF REQUESTOR'S ATTORNEY			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
Section VI. Current Property Owner/Operator Information – if not a Requestor			
CURRENT OWNER'S NAME		OWNERSHIP START DATE:	
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
CURRENT OPERATOR'S NAME			
ADDRESS			
CITY/TOWN		ZIP CODE	
PHONE	FAX	E-MAIL	
PROVIDE A LIST OF PREVIOUS PROPERTY OWNERS AND OPERATORS WITH NAMES, LAST KNOWN ADDRESSES AND TELEPHONE NUMBERS AS AN ATTACHMENT. DESCRIBE REQUESTOR'S RELATIONSHIP, TO EACH PREVIOUS OWNER AND OPERATOR, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND PREVIOUS OWNER AND OPERATOR. IF NO RELATIONSHIP, PUT "NONE". Please see Section VI Attachments IF REQUESTOR IS NOT THE CURRENT OWNER, DESCRIBE REQUESTOR'S RELATIONSHIP TO THE CURRENT OWNER, INCLUDING ANY RELATIONSHIP BETWEEN REQUESTOR'S CORPORATE MEMBERS AND THE CURRENT OWNER.			
Section VII. Requestor Eligibility Information (Please refer to ECL § 27-1407)			
If answering "yes" to any of the following questions, please provide an explanation as an attachment.			
1. Are any enforcement actions pending against the requestor regarding this site? Yes No			
2. Is the requestor subject to an existing order for the investigation, removal or remediation of contamination at the site? Yes No			
3. Is the requestor subject to an outstanding claim by the Spill Fund for this site? Any questions regarding whether a party is subject to a spill claim should be discussed with the Spill Fund Administrator. Yes No			

Section VII. Requestor Eligibility Information (continued)

4. Has the requestor been determined in an administrative, civil or criminal proceeding to be in violation of i) any provision of the ECL Article 27; ii) any order or determination; iii) any regulation implementing Title 14; or iv) any similar statute, regulation of the state or federal government? If so, provide an explanation on a separate attachment. Yes No
5. Has the requestor previously been denied entry to the BCP? If so, include information relative to the application, such as name, address, DEC assigned site number, the reason for denial, and other relevant information. Yes No
6. Has the requestor been found in a civil proceeding to have committed a negligent or intentionally tortious act involving the handling, storing, treating, disposing or transporting of contaminants? Yes No
7. Has the requestor been convicted of a criminal offense i) involving the handling, storing, treating, disposing or transporting of contaminants; or ii) that involves a violent felony, fraud, bribery, perjury, theft, or offense against public administration (as that term is used in Article 195 of the Penal Law) under federal law or the laws of any state? Yes No
8. Has the requestor knowingly falsified statements or concealed material facts in any matter within the jurisdiction of DEC, or submitted a false statement or made use of or made a false statement in connection with any document or application submitted to DEC? Yes No
9. Is the requestor an individual or entity of the type set forth in ECL 27-1407.9 (f) that committed an act or failed to act, and such act or failure to act could be the basis for denial of a BCP application? Yes No
10. Was the requestor's participation in any remedial program under DEC's oversight terminated by DEC or by a court for failure to substantially comply with an agreement or order? Yes No
11. Are there any unregistered bulk storage tanks on-site which require registration? Yes No

THE REQUESTOR MUST CERTIFY THAT HE/SHE IS EITHER A PARTICIPANT OR VOLUNTEER IN ACCORDANCE WITH ECL 27-1405 (1) BY CHECKING ONE OF THE BOXES BELOW:

PARTICIPANT

A requestor who either 1) was the owner of the site at the time of the disposal of hazardous waste or discharge of petroleum or 2) is otherwise a person responsible for the contamination, unless the liability arises solely as a result of ownership, operation of, or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

VOLUNTEER

A requestor other than a participant, including a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site subsequent to the disposal of hazardous waste or discharge of petroleum.

NOTE: By checking this box, a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site certifies that he/she has exercised appropriate care with respect to the hazardous waste found at the facility by taking reasonable steps to: i) stop any continuing discharge; ii) prevent any threatened future release; iii) prevent or limit human, environmental, or natural resource exposure to any previously released hazardous waste.

If a requestor whose liability arises solely as a result of ownership, operation of or involvement with the site, submit a statement describing why you should be considered a volunteer – be specific as to the appropriate care taken.

Section VII. Requestor Eligibility Information (continued)

Requestor Relationship to Property (check one):

Previous Owner Current Owner Potential /Future Purchaser Other_____

If requestor is not the current site owner, **proof of site access sufficient to complete the remediation must be submitted.** Proof must show that the requestor will have access to the property before signing the BCA and throughout the BCP project, including the ability to place an easement on the site Is this proof attached?

Yes No

Note: a purchase contract does not suffice as proof of access.

Section VIII. Property Eligibility Information - See Instructions for Further Guidance

1. Is / was the property, or any portion of the property, listed on the National Priorities List?
If yes, please provide relevant information as an attachment. Yes No
2. Is / was the property, or any portion of the property, listed on the NYS Registry of Inactive Hazardous Waste Disposal Sites pursuant to ECL 27-1305?
If yes, please provide: Site # _____ Class # _____ Yes No
- Please see Section VIII Attachments**
3. Is / was the property subject to a permit under ECL Article 27, Title 9, other than an Interim Status facility?
If yes, please provide: Permit type: _____ EPA ID Number: _____
Date permit issued: _____ Permit expiration date: _____ Yes No
4. If the answer to question 2 or 3 above is yes, is the site owned by a volunteer as defined under ECL 27-1405(1)(b), or under contract to be transferred to a volunteer? Attach any information available to the requestor related to previous owners or operators of the facility or property and their financial viability, including any bankruptcy filing and corporate dissolution documentation. Yes No
5. Is the property subject to a cleanup order under Navigation Law Article 12 or ECL Article 17 Title 10?
If yes, please provide: Order # _____ Yes No
6. Is the property subject to a state or federal enforcement action related to hazardous waste or petroleum?
If yes, please provide explanation as an attachment. Yes No

Section IX. Contact List Information

To be considered complete, the application must include the Brownfield Site Contact List in accordance with [DER-23 / Citizen Participation Handbook for Remedial Programs](#). Please attach, at a minimum, the names and addresses of the following:

1. The chief executive officer and planning board chairperson of each county, city, town and village in which the property is located.
2. Residents, owners, and occupants of the property and properties adjacent to the property.
3. Local news media from which the community typically obtains information.
4. The public water supplier which services the area in which the property is located.
5. Any person who has requested to be placed on the contact list.
6. The administrator of any school or day care facility located on or near the property.
7. The location of a document repository for the project (e.g., local library). **If the site is located in a city with a population of one million or more, add the appropriate community board as an additional document repository.** In addition, attach a copy of an acknowledgement from each repository indicating that it agrees to act as the document repository for the site.

Section X. Land Use Factors

1. What is the current municipal zoning designation for the site? _____

What uses are allowed by the current zoning? (Check boxes, below)

Residential Commercial Industrial

If zoning change is imminent, please provide documentation from the appropriate zoning authority.

2. Current Use: Residential Commercial Industrial Vacant Recreational (check all that apply)

Attach a summary of current business operations or uses, with an emphasis on identifying possible contaminant source areas. If operations or uses have ceased, provide the date.

3. Reasonably anticipated use Post Remediation: Residential Commercial Industrial (check all that apply) **Attach a statement detailing the specific proposed use.**

If residential, does it qualify as single family housing?

Yes No

Please see Section X Attachments

4. Do current historical and/or recent development patterns support the proposed use?

Yes No

5. Is the proposed use consistent with applicable zoning laws/maps? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

6. Is the proposed use consistent with applicable comprehensive community master plans, local waterfront revitalization plans, or other adopted land use plans? Briefly explain below, or attach additional information and documentation if necessary.

Yes No

XI. Statement of Certification and Signatures

(By requestor who is an individual)

If this application is approved, I hererby acknowledge and agree: (1) to execute a Brownfield Cleanup Agreement (BCA) within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

(By a requestor other than an individual)

I hereby affirm that I am Managing Member (title) of 65 Lake Avenue LLC (entity); that I am authorized by that entity to make this application and execute the Brownfield Cleanup Agreement (BCA) and all subsequent amendments; that this application was prepared by me or under my supervision and direction. If this application is approved, I acknowledge and agree: (1) to execute a BCA within 60 days of the date of DEC's approval letter; (2) to the general terms and conditions set forth in the [DER-32, Brownfield Cleanup Program Applications and Agreements](#); and (3) that in the event of a conflict between the general terms and conditions of participation and the terms contained in a site-specific BCA, the terms in the site-specific BCA shall control. Further, I hereby affirm that information provided on this form and its attachments is true and complete to the best of my knowledge and belief. I am aware that any false statement made herein is punishable as a Class A misdemeanor pursuant to Section 210.45 of the Penal Law.

Date: _____ Signature: _____

Print Name: _____

SUBMITTAL INFORMATION:

- **Two (2)** copies, one paper copy with original signatures and one electronic copy in Portable Document Format (PDF), must be sent to:
 - Chief, Site Control Section
 - New York State Department of Environmental Conservation
 - Division of Environmental Remediation
 - 625 Broadway
 - Albany, NY 12233-7020

FOR DEC USE ONLY
BCP SITE T&A CODE: _____

LEAD OFFICE: _____

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City ONLY. Sufficient information to demonstrate that the site meets one or more of the criteria identified in ECL 27 1407(1-a) must be submitted if requestor is seeking this determination.

BCP App Rev 10

Property is in Bronx, Kings, New York, Queens, or Richmond counties.	Yes	No
Requestor seeks a determination that the site is eligible for the tangible property credit component of the brownfield redevelopment tax credit.	Yes	No
Please answer questions below and provide documentation necessary to support answers.		
1. Is at least 50% of the site area located within an environmental zone pursuant to NYS Tax Law 21(b)(6)? Please see DEC's website for more information.	Yes	No
2. Is the property upside down or underutilized as defined below?	Upside Down?	Yes No
	Underutilized?	Yes No
<p>From ECL 27-1405(31):</p> <p>"Upside down" shall mean a property where the projected and incurred cost of the investigation and remediation which is protective for the anticipated use of the property equals or exceeds seventy-five percent of its independent appraised value, as of the date of submission of the application for participation in the brownfield cleanup program, developed under the hypothetical condition that the property is not contaminated.</p> <p>From 6 NYCRR 375-3.2(I) as of August 12, 2016: (Please note: Eligibility determination for the underutilized category can only be made at the time of application)</p> <p>375-3.2:</p> <p>(I) "Underutilized" means, as of the date of application, real property on which no more than fifty percent of the permissible floor area of the building or buildings is certified by the applicant to have been used under the applicable base zoning for at least three years prior to the application, which zoning has been in effect for at least three years; and</p> <p>(1) the proposed use is at least 75 percent for industrial uses; or</p> <p>(2) at which:</p> <p>(i) the proposed use is at least 75 percent for commercial or commercial and industrial uses;</p> <p>(ii) the proposed development could not take place without substantial government assistance, as certified by the municipality in which the site is located; and</p> <p>(iii) one or more of the following conditions exists, as certified by the applicant:</p> <p>(a) property tax payments have been in arrears for at least five years immediately prior to the application;</p> <p>(b) a building is presently condemned, or presently exhibits documented structural deficiencies, as certified by a professional engineer, which present a public health or safety hazard; or</p> <p>(c) there are no structures.</p> <p>"Substantial government assistance" shall mean a substantial loan, grant, land purchase subsidy, land purchase cost exemption or waiver, or tax credit, or some combination thereof, from a governmental entity.</p>		

Supplemental Questions for Sites Seeking Tangible Property Credits in New York City (continued)

3. If you are seeking a formal determination as to whether your project is eligible for Tangible Property Tax Credits based in whole or in part on its status as an affordable housing project (defined below), you must attach the regulatory agreement with the appropriate housing agency (typically, these would be with the *New York City Department of Housing, Preservation and Development*; the *New York State Housing Trust Fund Corporation*; the *New York State Department of Housing and Community Renewal*; or the *New York State Housing Finance Agency*, though other entities may be acceptable pending Department review). **Check appropriate box, below:**

Project is an Affordable Housing Project - Regulatory Agreement Attached;

Project is Planned as Affordable Housing, But Agreement is Not Yet Available*
(*Checking this box will result in a “pending” status. The Regulatory Agreement will need to be provided to the Department and the Brownfield Cleanup Agreement will need to be amended prior to issuance of the CoC in order for a positive determination to be made.);

This is Not an Affordable Housing Project.

From 6 NYCRR 375- 3.2(a) as of August 12, 2016:

(a) “Affordable housing project” means, for purposes of this part, title fourteen of article twenty seven of the environmental conservation law and section twenty-one of the tax law only, a project that is developed for residential use or mixed residential use that must include affordable residential rental units and/or affordable home ownership units.

(1) Affordable residential rental projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which defines (i) a percentage of the residential rental units in the affordable housing project to be dedicated to (ii) tenants at a defined maximum percentage of the area median income based on the occupants’ households annual gross income.

(2) Affordable home ownership projects under this subdivision must be subject to a federal, state, or local government housing agency’s affordable housing program, or a local government’s regulatory agreement or legally binding restriction, which sets affordable units aside for home owners at a defined maximum percentage of the area median income.

(3) “Area median income” means, for purposes of this subdivision, the area median income for the primary metropolitan statistical area, or for the county if located outside a metropolitan statistical area, as determined by the United States department of housing and urban development, or its successor, for a family of four, as adjusted for family size.

BCP Application Summary (for DEC use only)**Site Name:****City:****Site Address:****County:****Zip:****Tax Block & Lot****Section (if applicable):****Block:****Lot:****Requestor Name:****City:****Requestor Address:****Zip:****Email:****Requestor's Representative (for billing purposes)****Name:****Address:****City:****Zip:****Email:****Requestor's Attorney****Name:****Address:****City:****Zip:****Email:****Requestor's Consultant****Name:****Address:****City:****Zip:****Email:****Percentage claimed within an En-Zone:****0%****<50%****50-99%****100%****DER Determination:**

Agree

Disagree

Requestor's Requested Status:**Volunteer****Participant****DER/OGC Determination:**

Agree

Disagree

Notes:**For NYC Sites, is the Requestor Seeking Tangible Property Credits:**

Yes

No

Does Requestor Claim Property is Upside Down:

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Property is Underutilized:**

Yes

No

DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:**Does Requestor Claim Affordable Housing Status:**

Yes

No

Planned, No Contract

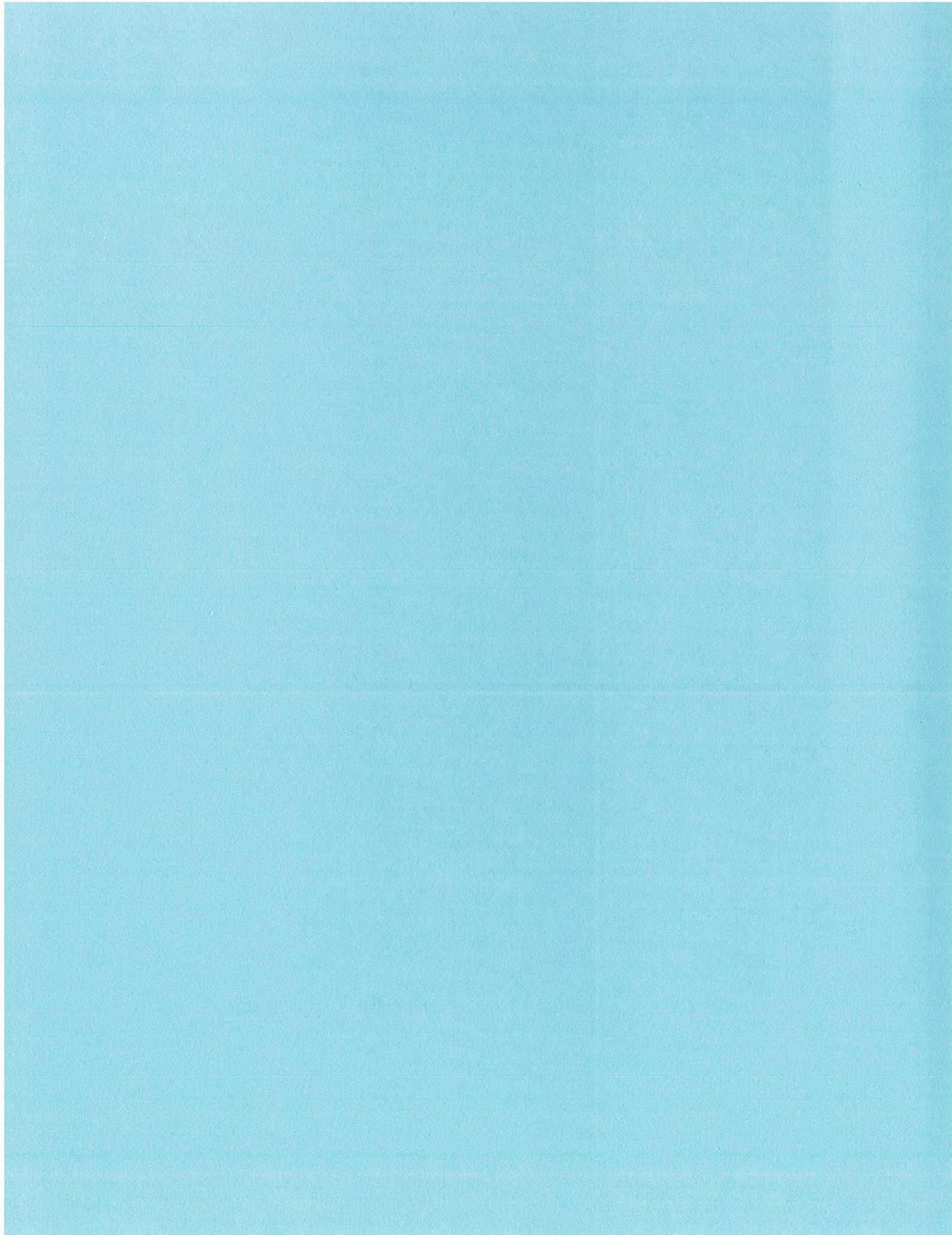
DER/OGC Determination:

Agree

Disagree

Undetermined

Notes:



Section I

Requestor Information

65 Lake Avenue LLC – Business Entity Information

65 Lake Avenue LLC is owned by Mark Aquino, as managing member, with business address at 32 Central Avenue, Lancaster, NY

Partners within 65 Lake Avenue LLC are Mark Aquino, Harry Modeas, Michael Aquino and KCK Limited Partnership.

NYS Department of State

Division of Corporations

Entity Information

The information contained in this database is current through June 4, 2019.

Selected Entity Name: 65 LAKE AVENUE LLC

Selected Entity Status Information

Current Entity Name: 65 LAKE AVENUE LLC

DOS ID #: 3218731

Initial DOS Filing Date: JUNE 15, 2005

County: ERIE

Jurisdiction: NEW YORK

Entity Type: DOMESTIC LIMITED LIABILITY COMPANY

Current Entity Status: ACTIVE

Selected Entity Address Information

DOS Process (Address to which DOS will mail process if accepted on behalf of the entity)

C/O MARK S. AQUINO ESQ.

32 CENTRAL AVENUE

LANCASTER, NEW YORK, 14086

Registered Agent

NONE

This office does not require or maintain information regarding the names and addresses of members or managers of nonprofessional limited liability companies. Professional limited liability companies must include the name(s) and address(es) of the original members, however this information is not recorded and only available by [viewing the certificate](#).

***Stock Information**

of Shares

Type of Stock

\$ Value per Share

No Information Available

*Stock information is applicable to domestic business corporations.

Name History

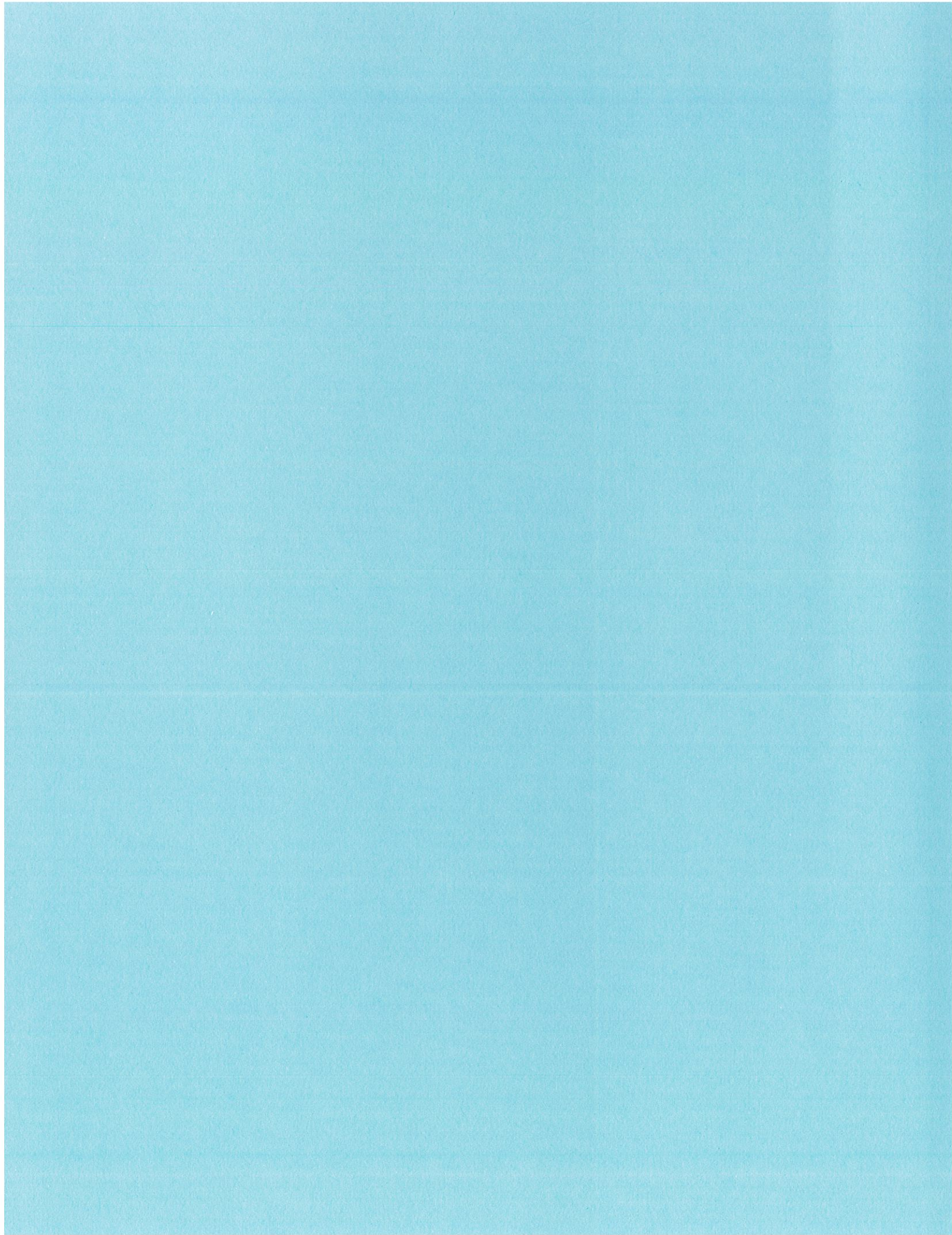
Filing Date	Name Type	Entity Name
JUN 15, 2005	Actual	65 LAKE AVENUE LLC

A **Fictitious** name must be used when the **Actual** name of a foreign entity is unavailable for use in New York State. The entity must use the fictitious name when conducting its activities or business in New York State.

NOTE: New York State does not issue organizational identification numbers.

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Section II

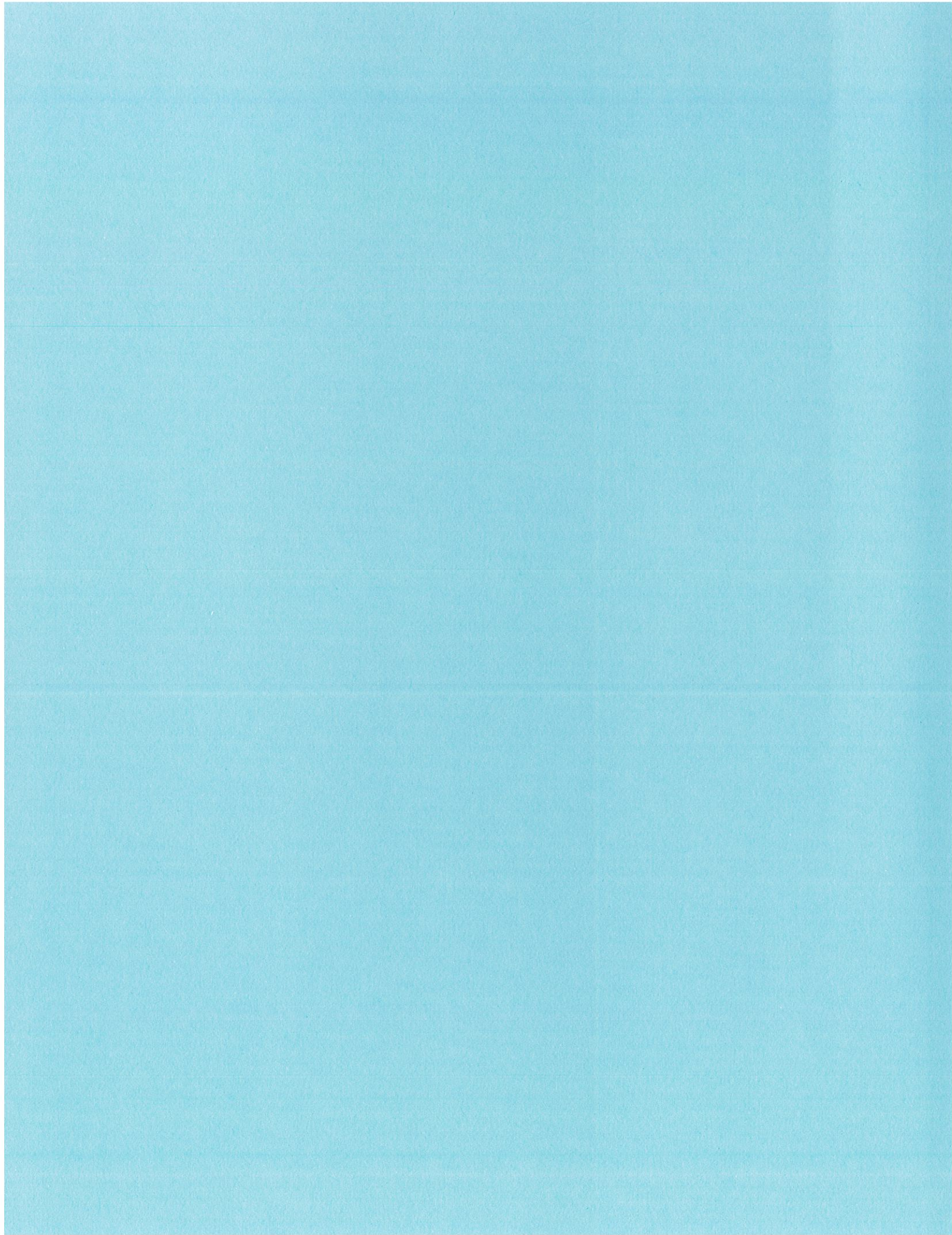
Project Description

Project Description

The Site is currently a residentially developed property located within the Town of Lancaster and includes approximately 1.18 acres of land and two parcels. Parcel 1 is addressed as 65 Lake Avenue and includes three two-story apartment buildings comprising of approximately 11,500 square feet of space. Parcel 2 is addressed as 67 Lake Avenue and includes one one-story apartment building comprising of approximately 2,100 square feet of space. The proposed future usage of the property will remain apartment buildings.

During a Phase II Environmental Site Assessment completed in May 2018, chlorinated solvents were identified in soil and groundwater samples, associated with past on-site dry-cleaning operations. The former dry-cleaning building was located on the east portion of 65 Lake Avenue and the northern portion of 67 Lake Avenue. Due to the detections of chlorinated solvents, a vapor intrusion study was completed in February 2019 within two on-site buildings, including Building A on 65 Lake Avenue, and Building 1 on 67 Lake Avenue. Vapor intrusion testing results identified chlorinated solvents, specifically tetrachloroethene (PCE) and trichloroethene (TCE) within both sub-slab and indoor air samples at concentrations which would require mitigation. Due to the detections of the PCE and TCE, as well as mitigation requirements, NYSDEC was notified and Site #915344 was assigned to the Site. The Site number currently is classified with a "P" status, indicated the Site has potential of contamination to make it eligible for consideration for placement on the Registry of Inactive Hazardous Waste Disposal Sites (State Superfund Site). However, the current owner, 65 Lake Avenue LLC, is accepting responsibility for the on-site impacts to the Site building and therefore requests the Site be placed within the Brownfield Cleanup Program (BCP) to complete site investigation and required remedial efforts.

Due to detections of chlorinated solvents within initial sampling activities, a sub-slab depressurization system (SSDS) will be installed within two on-site buildings (Building 1 and Building A) in June/July 2019, to address immediate concerns. However, a Site characterization has not been completed at the Site to determine nature and extent of chlorinated solvent impact. Remedial investigation is expected to begin in July/August 2019 with further remedial activities in winter 2019/2020. The Certificate of Completion is anticipated by December 2020.



Section III

Property's Environmental History

Figure III-A – Soil Analytical Testing Results

Figure III-B – Groundwater Analytical Testing Results

Figure III-C – Vapor Intrusion Testing Results

Table III-A – Soil Analytical Testing Results (2018)

Table III-B – Groundwater Analytical Testing Results (2018)



Table III-C – Soil Vapor Intrusion Testing Analytical Results

Table III-D – Soil Vapor Intrusion Decision Matrices

Previous Reports (Electronic Copy Only):

- Limited and Focused Subsurface Soil Investigation – Summary, 65 Lake Street, Lancaster, New York, LCS Project #05B1606.22, completed by LCS, Inc. for Mark Aquino, dated September 21, 2005.
- Limited and Focused Geophysical Survey and Limited and Focused Subsurface Investigation Report for the Property Identified as: Lakeside Village (Hinchey Properties, LLC), 65-67 Lake Avenue, Lancaster, New York, 14086, LCS Project #18S3267.22, completed by LCS, Inc. for Mark Aquino, dated May 15, 2018.
- Letter report regarding Soil Vapor Intrusion Assessment Report, Lake Avenue Apartments, Site No. 915344, 65-67 Lake Avenue, Lancaster, NY 14086, METI Project #18-046; completed by Matrix Environmental Technologies, Inc., dated February 28, 2019.
- Letter report regarding Subsurface Investigation Report, Lake Avenue Apartments, Site No. 915344, 65-67 Lake Avenue, Lancaster, NY 14086, METI Project #18-046; completed by Matrix Environmental Technologies, Inc., dated March 15, 2019.
- Letter report regarding Soil Vapor Intrusion Assessment Report, Lake Avenue Apartments, 65-67 Lake Avenue, Lancaster, NY 14086, Site No. 915344, METI Project #18-046; completed by Matrix Environmental Technologies, Inc., dated May 7, 2019.

Boring ID
Sample Interval (ft. below grade)
Total VOCs
Total SVOCs
PCE
TCE
1,2-DCE (Total)
Acetone

-  February 2019 Soil Sampling Location
-  May 2018 Sampling Location

NOTES:

All concentrations shown in µg/kg.

Gold shaded values indicate analyte exceeds Part 375 Residential SCOs.

Yellow shaded values indicate analyte exceeds Part 375 Unrestricted Use SCOs.

SB8
4'-6'
ND
ND
ND
ND
ND
ND

SB7
12'-14'
19.2
55.6
ND
ND
ND
19.2

SB4
8'-10'
117.7
32.3
ND
ND
87.9
29.8

BH6
12'-14'
47.4
ND
2.71
1.19
2.03
18.3

SB5
10'-12'
27.6
24.4
ND
ND
27.6

BH5
10'-12'
130
588
110
2.44
1.64
ND

SB6
6'-8'
ND
ND
ND
ND
ND
ND

BH4	
4'-6'	8'-10'
1,557	135
7,160	434
118	20.4
241	6.68
733	7.28
417	44.7

SB2
16'-18'
10.3
136.4
ND
ND
ND
10.3


SB1
14'-15.8'
16.8
154.8
ND
ND
ND
16.8

SB3
12'-13.5'
22.5
9.8
ND
ND
ND
12.7

BH1
4'-6'
24,025
408.9
13,000
8,260
2,693
ND



PREPARED BY:



ENVIRONMENTAL TECHNOLOGIES INC.

3730 California Road

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Orchard Park, NY 14127

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PREPARED FOR:

65 Lake Avenue LLC

PROJECT MGR:

SLM

DESIGNED BY:

CMC

REVIEWED BY:

SRC


DRAWN BY:

CMC

REVISION

BY	DATE

SCALE IN FEET: 1" = 20'



PROJECT NAME / LOCATION:

Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York

Site No. 915344

TITLE:

Soil Analytical Data Summary

DATE:

AS NOTED



PROJECT NO.:

18-046

FIGURE:

III-A

SAMPLE LOCATION
PCE
TCE
cis-1,2-DCE
Vinyl Chloride
Benzene
Toluene
m,p-Xylene
o-Xylene
1,2,4-Trimethylbenzene
Benzo(a)anthracene
Benzo(b)fluoranthene

-  Temporary Monitoring Well
Location (May 2018)
-  Basement Sump Sample
Location (February 2019)

NOTES:

All concentrations shown in µg/L.

ND = Not Detected

Yellow shaded values indicate
analyte exceeds NYSDEC
Groundwater Criteria (Class GA).

A4
11.9
ND
ND
ND
ND
ND
ND
ND
ND
ND

A2
4.0
ND
ND
ND
ND
ND
ND
ND
ND
ND

TPMW3
116
<3.98
11.2
<2.59
19.5
40.8
20.3
8.82
5.3
0.400
0.416

TPMW4

TPMW2
4.45
<0.796
6.76
10.7
<0.662
<0.824
<1.44
<0.682
<0.746
0.200
0.132

TPMW1
1,860
72.8
168
0.666
<0.331
<0.412
<0.719
<0.341
<0.373
<0.108
<0.994

BUILDING B

BUILDING A

BUILDING C



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65 Lake Avenue LLC

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SLM

DESIGNED BY:

CMC

REVIEWED BY:

SRC

DRAWN BY:

CMC

REVISION

BY	DATE

SCALE IN FEET: 1" = 20'



PROJECT NAME / LOCATION:

Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York

Site No. 915344

TITLE:

Groundwater Analytical
Results Summary

DATE:

AS NOTED

PROJECT NO.:

18-046

FIGURE:

III-B

BUILDING C

- ✗ IA-3 - Indoor Air Sampling Location (February 2019)
- ▼ SS-3 - Sub-slab Vapor Sampling Location (February 2019)
- ✕ OA-1 - Outdoor Air Sampling Location (February 2019)

SAMPLE LOCATION	
	PCE
	TCE

Notes:

- All results shown in microgram per cubic meter.
- Gold shaded values represent exceedance of NYSDOH Air Guidance Values. Mitigation is required.
- Yellow shaded values represent exceedance of NYSDOH Air Guidance Values. Resampling or mitigation is required.



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PREPARED FOR:
65 Lake Avenue LLC

PROJECT MGR:
SLM

DESIGNED BY:
CMC

REVIEWED BY:
SRC

DRAWN BY:
CMC

REVISION	
BY	DATE

SCALE IN FEET: 1" = 20'
0 20

PROJECT NAME / LOCATION:
**Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York

Site No. 915344**

TITLE:
**Vapor Intrusion
Assessment
Analytical Results
Summary**

DATE:
February 11-13, 2019

PROJECT NO.:
18-046

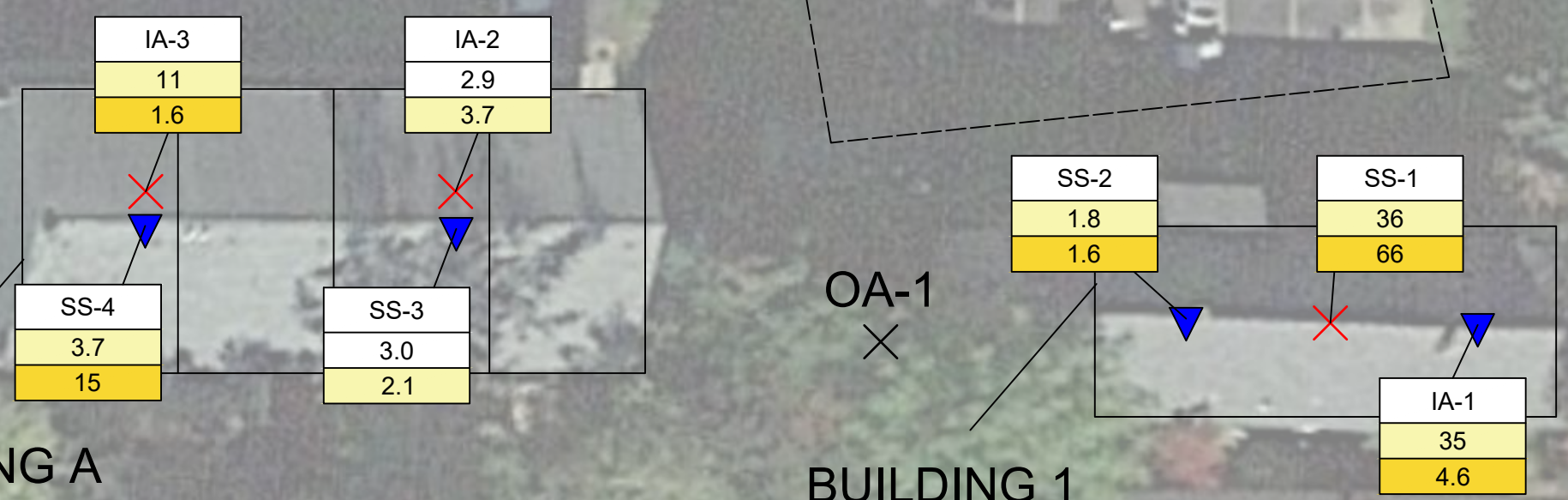
FIGURE:
III-C

BUILDING B

FORMER DRY CLEANER

BUILDING A

BUILDING 1



SOIL TESTING RESULTS

VOCs by USEPA SW-846 Method 8260

Sample ID	BH1	BH4	BH4	BH5	BH6	CP-51 Soil Cleanup Levels	Part 375 (Unrestricted) Soil Cleanup Objectives	Part 375 (Residential) Soil Cleanup Objectives	Part 375 (Residential Restricted) Soil Cleanup Objectives
Date Sampled	5/1/2018	5/1/2018	5/1/2018	5/1/2018	5/1/2018				
Sample Depth	4-6 ft. bgs	4-6 ft. bgs	8-10 ft. bgs	10-12 ft. bgs	12-14 ft. bgs				
Units	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg	µg/kg
Vinyl chloride	3.6	2.54 J	<0.887	0.998 J	<0.91	NL	20	210	900
Acetone	<136	417	44.7	<16.6	18.3 J	NL	50	100,000	100,000
Cyclohexane	1.24 J	<0.639	6.66	0.792 J	<0.676	NL	NL	NL	NL
Methyl Cyclohexane	<1.27	<1.3	<1.32	2.27 J	<1.37	NL	NL	NL	NL
Methyl Acetate	40.8 J	19.2	20.6	10.7	21.1	NL	NL	NL	NL
trans-1,2-Dichloroethene	3.07 J	<1.8	<1.84	<1.73	<1.9	NL	190	100,000	100,000
1,1- Dichloroethane	3.47	1.5 J	<0.642	<0.604	<0.666	NL	270	19,000	26,000
2- Butanone	18.6 J	<15.7	<16	<15.1	<16.6	NL	120	100,000	100,000
Cis-1,2- Dichloroethene	2,690	733	7.28	1.64 J	2.03 J	NL	250	59,000	100,000
Benzene	0.975 J	2.44	2.47	<0.483	0.864 J	60	60	2,900	4,800
Trichloroethene	8,260	241	6.68	2.44	1.19 J	NL	470	10,000	21,000
Toluene	2.05 J	5.6 J	4.52 J	<1.51	<1.66	700	700	100,000	100,000
Tetrachloroethene	13,000	118	20.4	110	2.71 J	NL	1,300	5,500	19,000
Ethylbenzene	<0.653	3.67	5.02	<0.641	<0.705	1,000	1,000	30,000	41,000
m,p- Xylene	<1.85	5.5	5.08 J	<1.81	<2	260*	260*	100,000*	100,000*
o-Xylene	<1.23	1.32 J	1.95 J	<1.21	<1.33	260*	260*	100,000*	100,000*
Isopropylbenzene	<1.06	<1.09	1.79 J	<1.04	<1.15	2,300	NL	NL	NL
Methyl tert-butyl ether	1.03 J	0.898 J	0.893 J	0.905 J	1.21 J	930	930	62,000	100,000
n-Propylbenzene	<1.45	2.64 J	4.72 J	<1.43	<1.56	3,900	3,900	100,000	100,000
1,2,4- Trimethylbenzene	<1.43	2.4 J	2.22 J	<1.4	<1.54	3,600	3,600	47,000	52,000

µg/kg = micrograms per kilogram
ft. bgs = feet below ground surface

NL = Not Listed

J = Indicates an estimated value

Part 375 Soil Cleanup Objectives = New York State Department of Environmental Conservation 6 NYCRR Part 375 Environmental Remediation Programs, December 14, 2006 (375-6.8, Soil Cleanup Objective Tables)

*= Based on the sum of the Total Xylenes.

= Analyte that is detected above the Part 375 (Unrestricted) Soil Cleanup Objectives.

Bold = Analyte detected above Part 375 (Residential) Soil Cleanup Objectives.

GROUNDWATER TESTING RESULTS

VOC by USEPA-846 Method 8260

Sample ID	TPMW1	TPMW2	TPMW3	TPMW4	NYSDEC Groundwater Criteria (Class GA)
Date Sampled	5/11/2018	5/11/2018	5/11/2018	5/11/2018	
Units	µg/L	µg/L	µg/L	µg/L	µg/L
Cis-1,2-Dichloroethene	168	6.76	11.2	<0.26	5
Vinyl chloride	0.666 J	10.7	<2.59	<0.259	2
Trans-1,2- Dichloroethene	3.85	<0.792	<3.96	<0.396	5
Chloroform	0.742 J	<0.648	<3.24	<0.324	7
Cyclohexane	<0.39	3.31	<3.9	<0.39	NL
Benzene	<0.331	<0.662	19.5	<0.331	1
Toluene	<0.412	<0.824	40.8	<0.412	5
1,2,4- Trimethylbenzene	<0.373	<0.746	5.3 J	<0.373	5
Trichloroethene	72.8	<0.796	<3.98	<0.398	5
Tetrachloroethene	1,860	4.45	116	<0.372	5
m,p- Xylene	<0.719	<1.44	20.3	<0.719	5
o-Xylene	<0.341	<0.682	8.82 J	<0.341	5

µg/L = micrograms per liter

NL = Not Listed

J = Indicates an estimated value.

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

= Analyte detected above the NYSDEC Groundwater Criteria.

SVOCs by USEPA-846 Method 8270

Sample ID	TPMW1	TPMW2	TPMW3	TPMW4	NYSDEC Groundwater Criteria (Class GA)
Date Sampled	5/11/2018	5/11/2018	5/11/2018	5/11/2018	
Units	µg/L	µg/L	µg/L	µg/L	µg/l
Naphthalene	<0.033	0.0672 J	<0.0594	<0.0496	10
Phenanthrene	<0.406	<0.523	0.855 J	<0.611	50
Fluoranthene	<0.344	0.655 J	1.71 J	<0.518	50
Pyrene	<0.366	0.476 J	1.08 J	<0.551	50
Benzo(a)anthracene	<0.108	0.200 J	0.400 J	<0.163	0.002
Benzo(b)fluoranthene	<0.0994	0.132 J	0.416 J	<0.15	0.002

µg/l = micrograms per liter

NL = Not Listed

J = Indicates an estimated value.

* = Applies to the sum of all phenolic compounds (total phenols)

U = Indicates compound was analyzed for, but not detected at or above the reporting limit.

NYSDEC Groundwater Criteria (Class GA) = 6 NYCRR Part 703 (June 1998 and April 2000 Addendum)

= Analyte detected above the NYSDEC Groundwater Criteria.

Table 1
Soil Vapor Intrusion Testing Analytical Results
65-67 Lake Avenue, Lancaster, New York

PARAMETER	Table C1 Indoor Air Background Level (Upper Fence Value)	SS-1	SS-2	IA-1	SS-3	IA-2	SS-4	IA-3	Table C1 Outdoor Air Background Level (Upper Fence Value)	OA-1
1,2,4-Trimethylbenzene	9.8	0.74	0.69	0.64	1.4	1.8	1.2	ND	0.5	ND
1,2-Dichloroethane	0.4	ND	ND	ND	ND	ND	ND	0.65	0.4	ND
1,3,5-Trimethylbenzene	3.9	ND	ND	ND	0.84	0.59	0.88	ND	0.7	ND
2,2,4-trimethylpentane		ND	2.4	ND	0.65	1.1	ND	ND		ND
Acetone	115	25	34	29	77	130	49	60	1.2	15
Benzene	13	1.4	6.7	1.9	1.4	3.2	1.1	0.77	4.8	0.54
Bromodichloromethane		ND	ND	0.74	ND	ND	ND	ND		ND
Carbon disulfide		ND	1.9	ND	0.72	ND	ND	ND		ND
Carbon tetrachloride	1.3	0.88	ND	0.63	0.69	0.69	0.88	0.75	1.2	0.69
Chloroform	1.2	4.9	0.88	1.8	ND	0.78	0.63	1.2	0.5	ND
Chloromethane	4.2	1.0	ND	2.7	ND	ND	ND	ND	4.3	1.1
cis-1,2-Dichloroethene	0.4	0.59	ND	0.87	1.0	0.52	1.1	ND	0.4	ND
Cyclohexane	6.3	6.9	210	4.3	14	2.1	6.9	0.96	0.9	0.69
Ethyl acetate		4.1	4.3	1.1	7.2	2.1	7.6	4.0		ND
Ethylbenzene	6.4	0.43	0.43	0.91	1.3	1.3	0.78	ND	1.0	ND
Freon 11		1.7	1.6	1.5	2.0	1.6	2.3	1.5		1.7
Freon 12		2.7	ND	2.3	2.9	2.6	2.8	2.6		2.9
Heptane		5.0	130	ND	5.0	4.6	2.8	2.7		ND
Hexachloro-1,3-butadiene	0.5	ND	ND	ND	ND	ND	ND	ND	0.5	ND
Hexane		9.9	550	0.56	12	3.9	8.5	0.46		ND
Isopropyl alcohol		3.2	4.9	4.8	45	48	9.1	8.4		1.1
m&p-Xylene	11	1.3	1.1	2.7	3.6	4.4	2.1	0.65	1.0	ND
Methyl Butyl Ketone		ND	ND	ND	ND	ND	ND	ND		ND
Methyl Ethyl Ketone	16	1.8	ND	1.5	3.4	4.6	2.3	1.3	5.3	0.50
Methyl Isobutyl Ketone	1.9	ND	ND	ND	0.61	ND	0.53	ND	0.5	ND
Methylene chloride	16	6.0	6.0	0.90	13	0.69	11	0.56	1.6	0.97
o-Xylene	7.1	0.74	0.52	0.65	1.6	1.7	1.2	ND	1.2	ND
Styrene	1.4	0.43	ND	ND	1.2	0.60	0.77	ND	0.5	ND
Tetrachloroethylene	2.5	36	1.8	35	3.0	2.9	3.7	11	0.7	ND
Toluene	57	5.0	5.7	3.1	21	12	6.3	1.2	5.1	0.49
Trichloroethene	0.5	66	1.6	4.6	2.1	3.7	15	1.6	0.4	0.70

NOTES:

1. Analytical testing for VOCs via EPA Method TO-15 by Centek Laboratories, LLC.
2. Results present in µg/m³ (microgram per cubic meter).
3. Indoor and outdoor air background levels as presented in Appendix C, Table C1: NYSDOH 2003: Study of volatile organic chemicals in air of fuel oil heated homes, of "Guidance for Evaluating Soil Vapor Intrusion in the State of New York" (NYSDOH, October 2006).
4. ND = Not Detected
5. Grey shaded values represent exceedance of Table C1 guidance value.
6. Yellow shaded values represent exceedance of NYSDOH Air Guidance Values, from "Guidance for Evaluating Soil Vapor Intrusion in the State of New York" (NYSDOH, October 2006).
7. Compounds detected in one or more samples are included in this table. For a list of all compounds, refer to the attached analytical report.

Table 2
Soil Vapor Intrusion Decision Matrices
65-67 Lake Avenue, Lancaster, New York

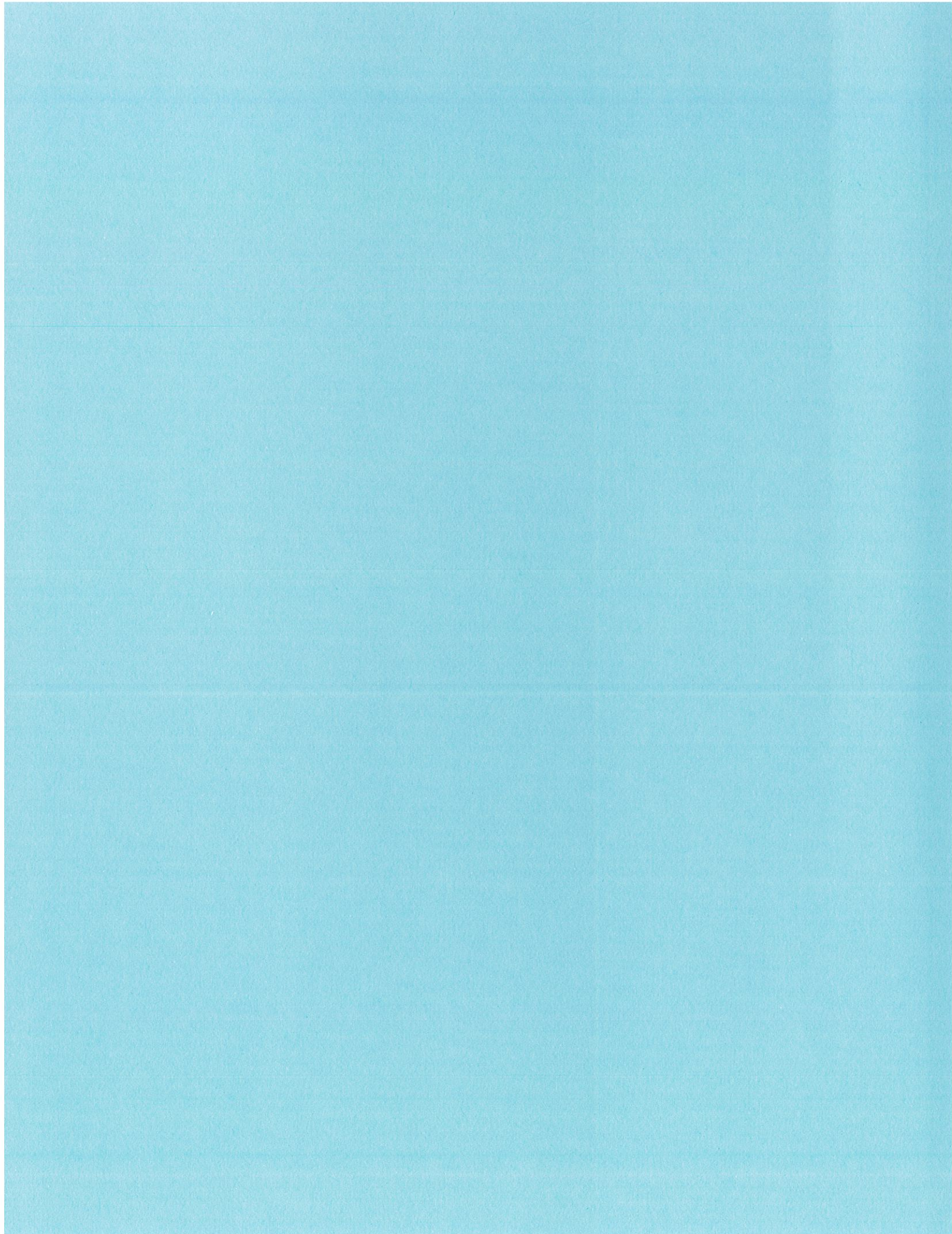
MATRIX A					
Sample ID	Parameter	Sub-slab Vapor Concentration		Indoor Air Concentration	Recommended Action
SS-1/SS-2/IA-1	Trichloroethene (TCE)	66	1.6	4.6	Mitigate
	cis-1,2-Dichloroethene	0.59	ND	0.87	No further action
	1,1-Dichloroethene	ND	ND	ND	No further action
	Carbon tetrachloride	0.88	ND	0.63	No further action
SS-3/IA-2	Trichloroethene (TCE)	2.1		3.7	Resample or Mitigate
	cis-1,2-Dichloroethene	1.0		0.52	No further action
	1,1-Dichloroethene	ND		ND	No further action
	Carbon tetrachloride	0.69		0.69	No further action
SS-4/IA-3	Trichloroethene (TCE)	15		1.6	Mitigate
	cis-1,2-Dichloroethene	1.1		ND	No further action
	1,1-Dichloroethene	ND		ND	No further action
	Carbon tetrachloride	0.88		0.75	No further action

MATRIX B					
Sample ID	Parameter	Sub-slab Vapor Concentration		Indoor Air Concentration	Recommended Action
SS-1/SS-2/IA-1	Tetrachloroethylene (PCE)	36	1.8	35	Resample or Mitigate
	1,1,1-Trichloroethane	ND	ND	ND	No further action
	Methylene chloride (MC)	6.0	6.0	0.90	No further action
SS-3/IA-2	Tetrachloroethylene (PCE)	3.0		2.9	No further action
	1,1,1-Trichloroethane	ND		ND	No further action
	Methylene chloride (MC)	13		0.69	No further action
SS-4/IA-3	Tetrachloroethylene (PCE)	3.7		11	Resample or Mitigate
	1,1,1-Trichloroethane	ND		ND	No further action
	Methylene chloride (MC)	11		0.56	No further action

MATRIX C					
Sample ID	Parameter	Sub-slab Vapor Concentration		Indoor Air Concentration	Recommended Action
SS-1/SS-2/IA-1	Vinyl Chloride	ND	ND	ND	No further action
SS-3/IA-2	Vinyl Chloride	ND		ND	No further action
SS-4/IA-3	Vinyl Chloride	ND		ND	No further action

NOTES:

1. Analytical testing for VOCs via EPA Method TO-15 by Centek Laboratories, LLC.
2. Results present in $\mu\text{g}/\text{m}^3$ (microgram per cubic meter).
3. ND = Not Detected
4. Yellow shaded values represent exceedance of NYSDOH Air Guidance Values, from "Guidance for Evaluating Soil Vapor Intrusion in the State of New York" (NYSDOH, October 2006).



Section IV

Property Information

Figure IV-A – Site Location – USGS Map

Figure IV-B – Tax Map

Figure IV-C(a) – Site Survey – 65 Lake Avenue

Figure IV-C(b) – Site Survey – 67 Lake Avenue

Figure IV-D – Site Base Map

Property Description and Environmental Assessment

FIGURE:

IV-A

DATE:

N/A

PROJECT NO.:

18-046

TITLE:

Site Location Map

PROJECT NAME / LOCATION:

Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York
Site No. 915344

REVISION

BY	DATE
CMC	5/16/19
CMC	7/30/19
SCALE IN FEET: AS NOTED	
<div>0</div>	

PROJECT MGR:

SLM

DESIGNED BY:

CMC

REVIEWED BY:

MMW

DRAWN BY:

CMC

PREPARED FOR:

65 Lake Avenue LLC

PREPARED BY:

MATRIX

ENVIRONMENTAL TECHNOLOGIES INC.

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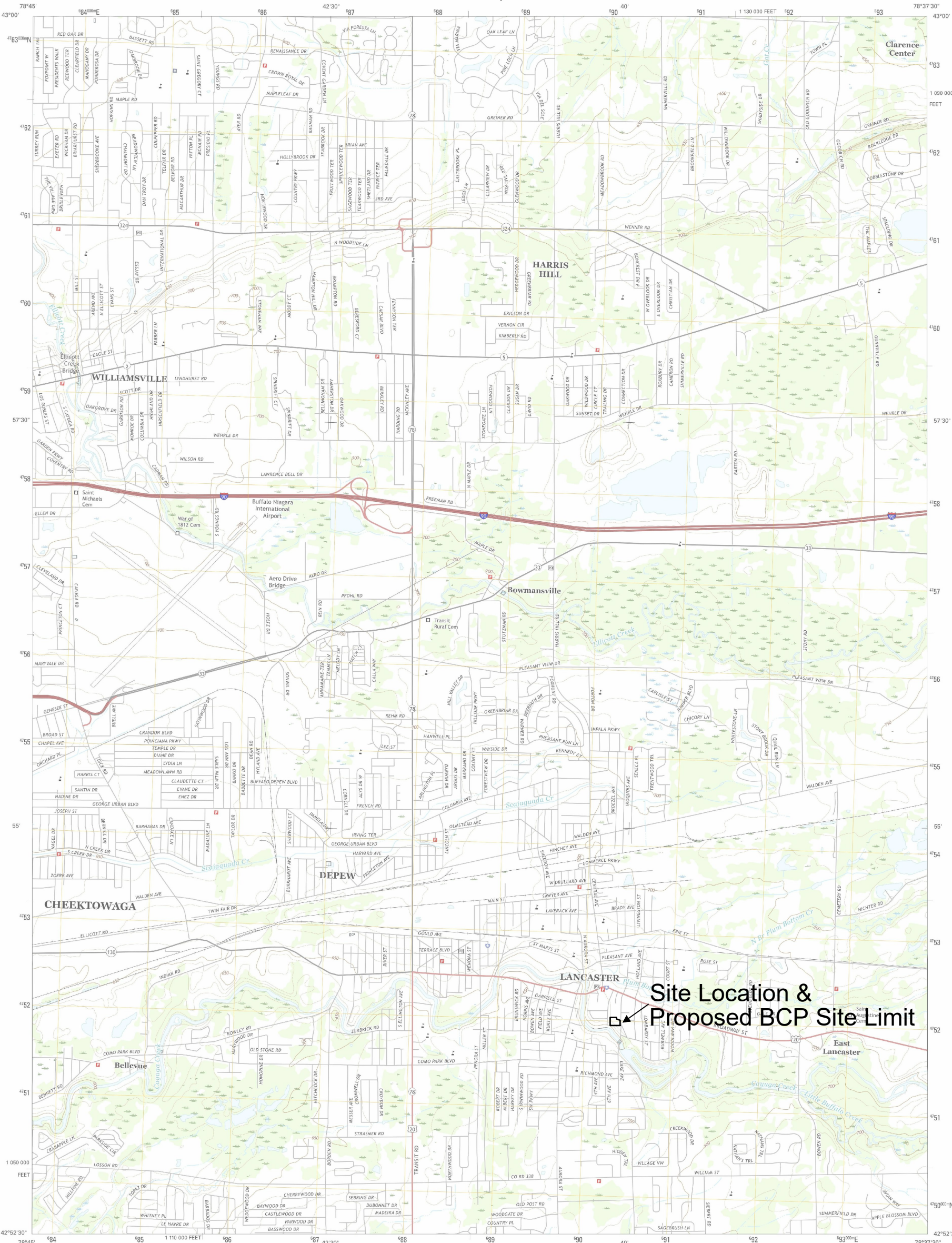
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7.5-MINUTE SERIES

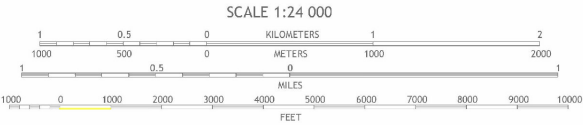


Site Location & Proposed BCP Site Limit

Produced by the United States Geological Survey
North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: Universal Transverse Mercator, Zone 17T
10 000-foot ticks: New York Coordinate System of 1983 (west
zone)

This map is not a legal document. Boundaries may be
generalized for map scale. Private lands within government
reservations may not be shown. Obtain permission before
entering private lands.
Imagery.....NAIP, May 2013
Roads.....U.S. Census Bureau, 2015 - 2016
Names.....GNIS, 2016
Hydrography.....National Hydrography Dataset, 2013
Contours.....National Elevation Dataset, 1999
Boundaries.....Multiple sources; see metadata file 1972 - 2016
Wetlands.....FWS National Wetlands Inventory 1977 - 2014

U.S. National Grid 100,000 m Square ID PH
Grid Zone Designation 17T



CONTOUR INTERVAL 10 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988

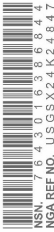
This map was produced to conform with the
National Geospatial Program US Topo Product Standard, 2011.
A metadata file associated with this product is draft version 0.6.19

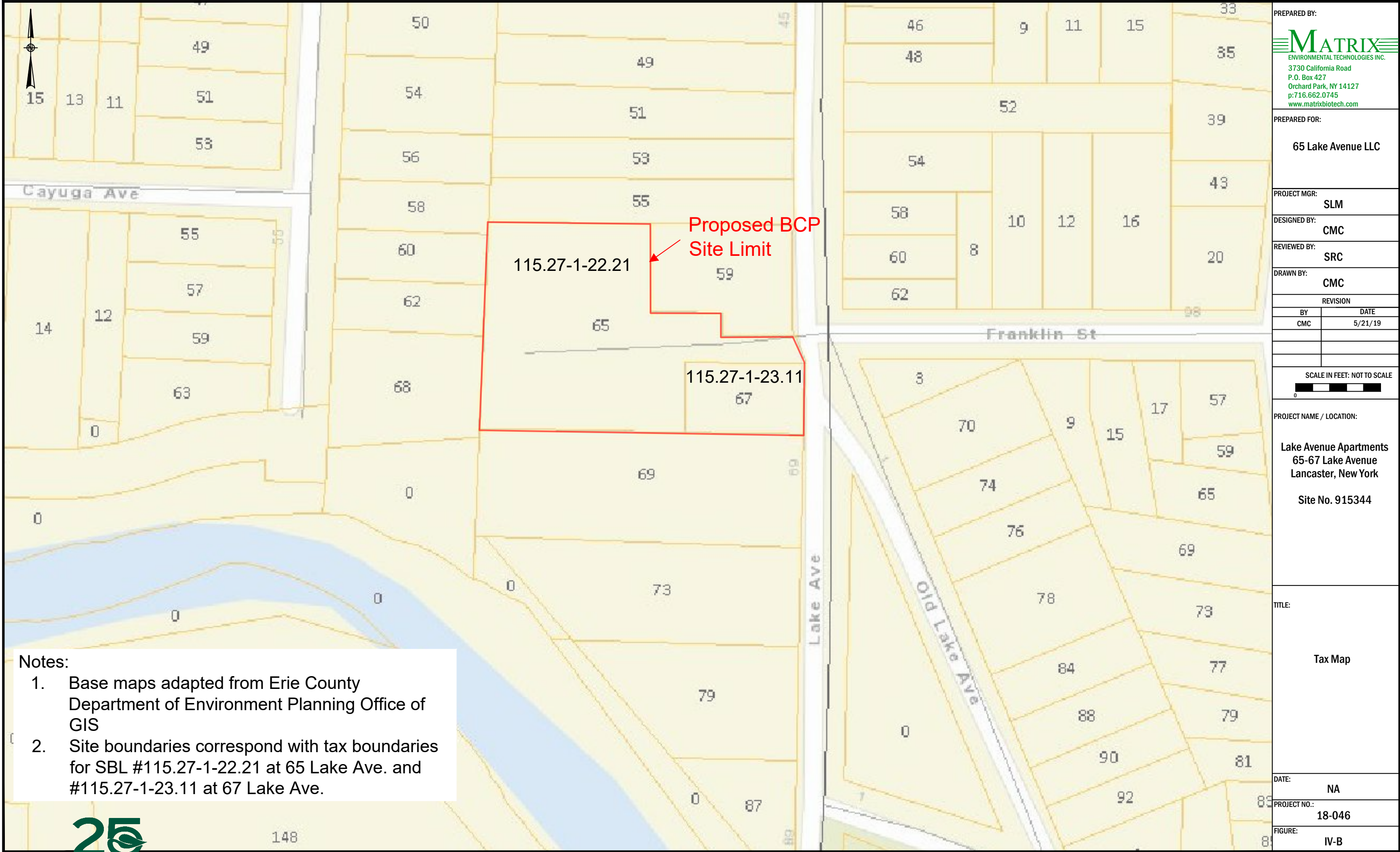


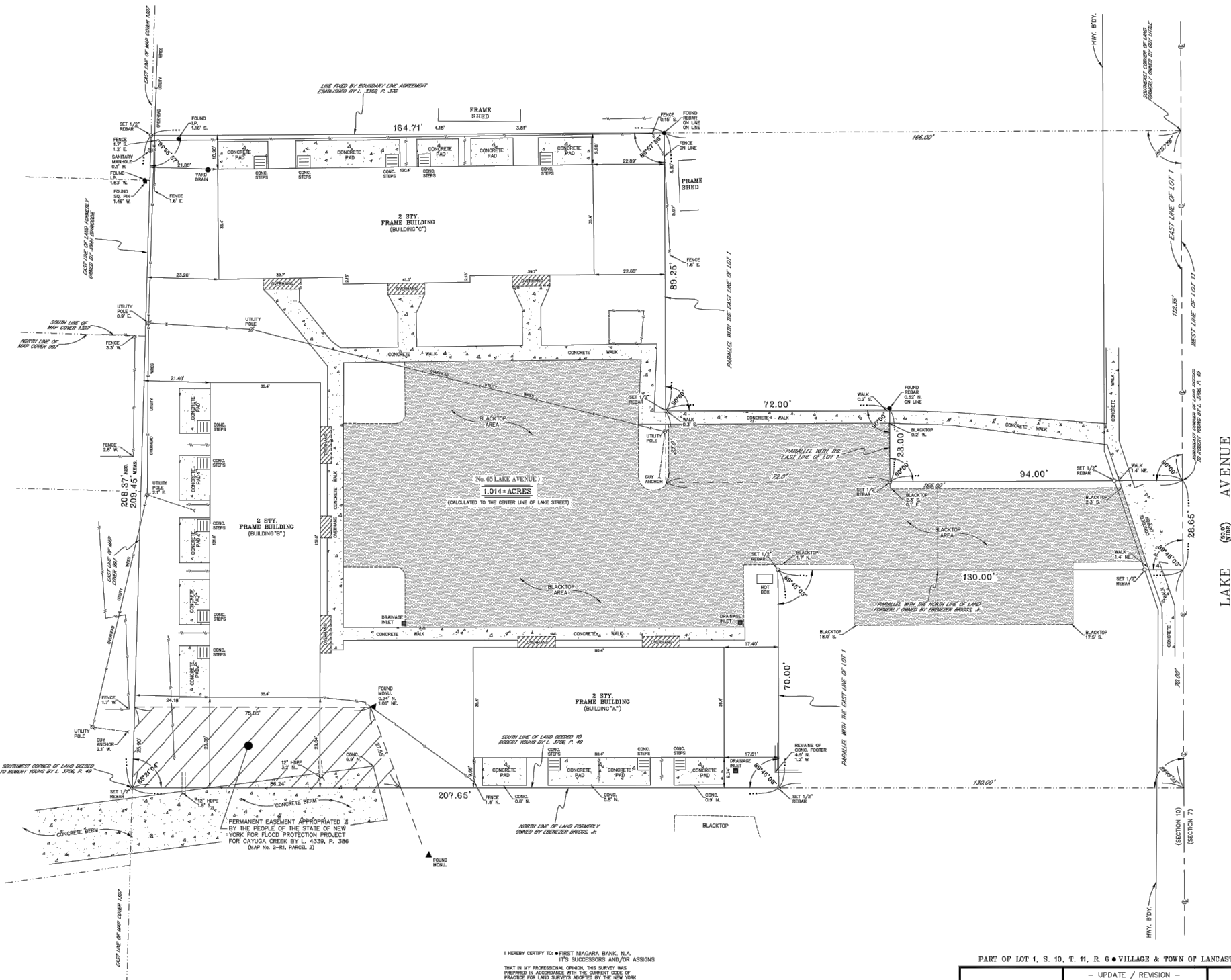
1	2	3	1 Tonawanda East
4	5	2 Clarence Center	
6	7	3 Wolcottville	
		4 Buffalo NE	
		5 Clarence	
		6 Buffalo SE	
		7 Orchard Park	
		8 East Aurora	

ROAD CLASSIFICATION	
Expressway	Local Connector
Secondary Hwy	Local Road
Ramp	4WD
Interstate Route	US Route
	State Route

LANCASTER, NY
2016







NOTES :

* THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN EXISTING SURVEY AND IS SUBJECT TO ANY SURVEY OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

UNAUTHORIZED ALTERATION OR ADDITION TO ANY SURVEY, DRAWING, DESIGN, SPECIFICATION, PLAN OR REPORT IS A VIOLATION OF SECTION 7209, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

I HEREBY CERTIFY TO: FIRST NAGARA BANK, N.A. ITS SUCCESSORS AND/OR ASSIGNS THAT IN MY PROFESSIONAL OPINION THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE CURRENT CODE OF PRACTICE FOR LAND SURVEYING ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS AND APPROVED BY THE NAGARA FRONTIER LAND SURVEYORS ASSOCIATION

THIS CERTIFICATION DOES NOT EXTEND TO SUBSEQUENT OWNERS, MORTGAGEES, MORTGAGORS, OR TITLE INSURERS, UNLESS THIS SURVEY HAS BEEN RESUBMITTED FOR THIS PURPOSE BY THE SURVEYOR.

PART OF LOT 1, S. 10, T. 11, R. 6 • VILLAGE & TOWN OF LANCASTER • COUNTY OF ERIE • STATE OF NEW YORK

- UPDATE / REVISION -			PAUL G. PAGANO, PLS	
DATE	JOB	DESCRIPTION	PROFESSIONAL LAND SURVEYOR	
12/9/14	14269	CERTIFY SURVEY	8653 SAVAGE ROAD HOLLAND, NEW YORK 14080	
			PHONE & FAX (716) 537-2170	
DRAWN BY: JAP		SCALE: 1"= 15' DATE: 10/24/14		
CHECKED BY: PGP				
JOB NO.: 14269				
		SHEET: E - 354		

PAUL G. PAGANO, PLS
LIC NO. 000020

REVISION	
BY	DATE

SCALE IN FEET: AS NOTED

0 1

PROJECT NAME / LOCATION:

Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York
Site No. 915344

TITLE:

Site Survey
65 Lake Avenue

DATE:

NA

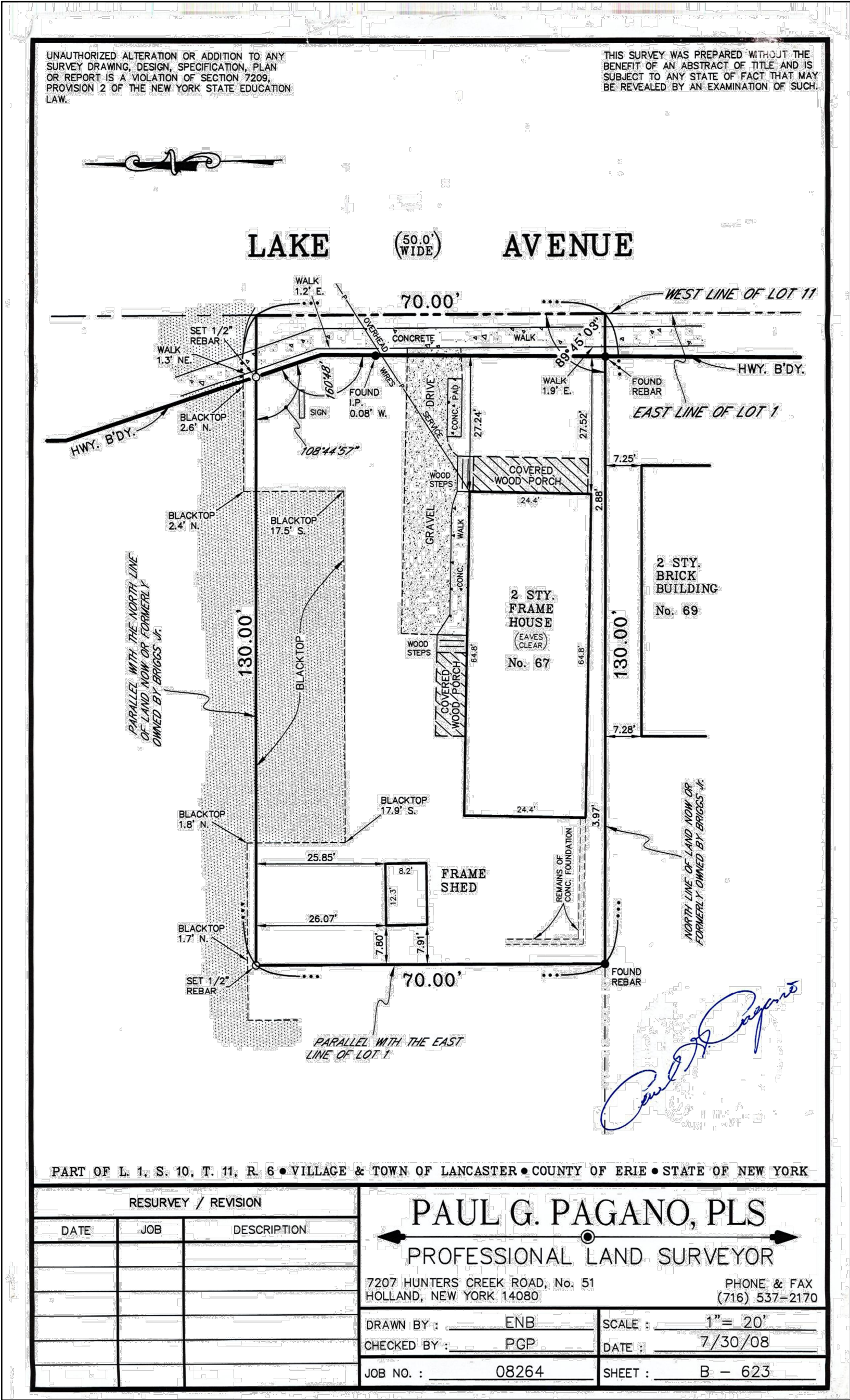
PROJECT NO.:

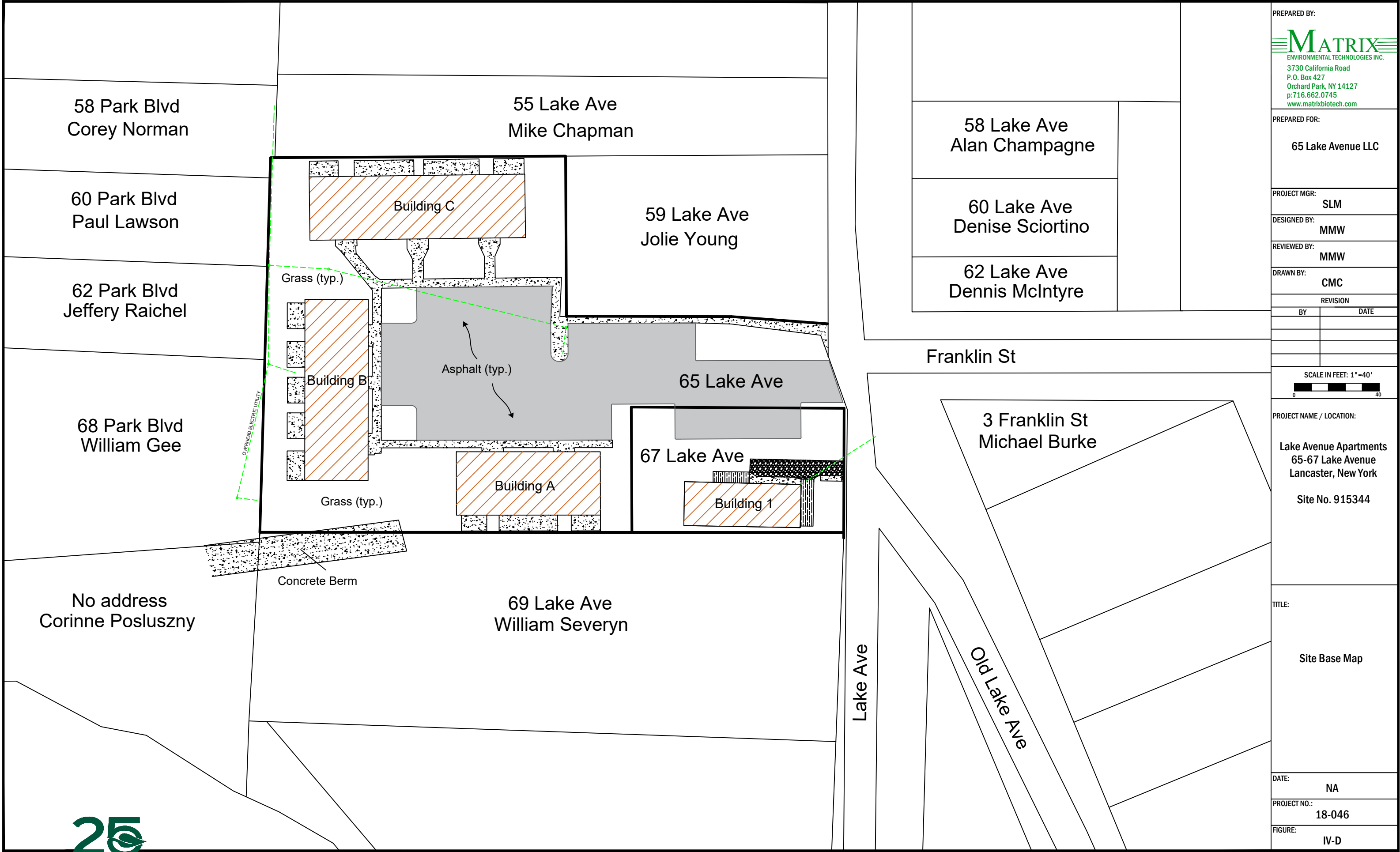
18-046

FIGURE:

IV-C(a)

FIGURE: IV-C(b)	TITLE: Site Survey 67 Lake Avenue	PROJECT NAME / LOCATION: Lake Avenue Apartments 65-67 Lake Avenue Lancaster, New York Site No. 915344	REVISION BY DATE	PROJECT MGR: SLM DESIGNED BY: REVIEWED BY: MMW DRAWN BY: ENB	PREPARED FOR: 65 Lake Avenue LLC	PREPARED BY: <div>MATRIX ENVIRONMENTAL TECHNOLOGIES INC. 3730 California Road P.O. Box 427 Orchard Park, NY 14127 p:716.662.0745 www.matrixbiotech.com</div>
DATE: NA						
PROJECT NO.: 18-046			SCALE IN FEET: AS NOTED 0 1			





PREPARED BY:
MATRIX
ENVIRONMENTAL TECHNOLOGIES INC.
3730 California Road
P.O. Box 427
Orchard Park, NY 14127
p:716.662.0745
www.matrixbiotech.com

PREPARED FOR:
65 Lake Avenue LLC

PROJECT MGR:
SLM

DESIGNED BY:
MMW

REVIEWED BY:
MMW

DRAWN BY:
CMC

REVISION	
BY	DATE

SCALE IN FEET: 1"=40'
0 40

PROJECT NAME / LOCATION:
**Lake Avenue Apartments
65-67 Lake Avenue
Lancaster, New York
Site No. 915344**

TITLE:
Site Base Map

DATE:
NA

PROJECT NO.:
18-046

FIGURE:
IV-D

Property Description Narrative

Location – The Site is addressed as 65 and 67 Lake Avenue in the Town of Lancaster, Erie County, New York and consists of two parcels, totally approximately 1.18 acres of land. The Site is bound to the north, west and south by residences, either single family homes or apartment buildings, and to the east by Lake Avenue and additional residential. The property is located within a suburban area used for residential purposes.

Site Features – 65 Lake Avenue is occupied by three buildings, including a two-story 5,600-square foot townhome, a two-story 8,400-square foot townhome, and a two-story 8,560-square foot townhome, constructed in 2006. The central portion of 65 Lake Avenue is paved parking area, with landscape/grass areas to the north, west and east. 67 Lake Avenue includes on 3,024-square foot four-unit apartment building constructed in 1903. Additionally, a small parking area as well as landscaped/grass areas are located on the parcel.

Current Zoning and Land Use – 65-67 Lake Avenue is currently occupied by four residential buildings, including townhomes and apartments. The Site is zoned as R2 or Residential District 2, allowing for apartment residential usage.

Past Uses of the Site – Sanborn maps dated 1911 and 1923 identified a building in the eastern portion of 65 Lake Avenue parcel as well as the northern portion of 67 Lake Avenue parcel that was utilized as steam laundry. Additionally, the 1911 Sanborn identified a cider mill and coal heat at the building. The 1949 Sanborn map identified building usage as a dry cleaner. Historical reports indicated the building was utilized as a dry cleaner from at least 1949 through approximately 1980. The former dry-cleaning building was removed/demolished by at least 1995. The three townhome buildings were constructed in 2006. The apartment building at 67 Lake Avenue has been utilized for residential purposes since construction in 1903.

Previous report identified on tank, identifies as “TN4 1000 (size)” installed on-site in 1958. The location of the tank was not identified. It was noted that the tank would have been located on the eastern portion of the Site, based upon nature of historical development.

Prior remedial measures have not been completed at the Site. LCS, Inc. completed a limited and focused subsurface investigation in August 2005. The work included advancing hand borings through the bottom of excavations associated with the construction of the south and north buildings. Chlorinated solvents were not identified in the two soil samples selected for analysis in 2005. Additionally, a limited Phase II investigation in May 2018. The work included completion of six soil borings, four temporary monitoring wells, and collection of soil and groundwater samples. A geophysical survey was completed as part of the May 2018 investigation, which did not identify anomalies associated with USTs.

A soil vapor intrusion assessment was completed by Matrix Environmental Technologies, Inc. (METI) in February 2019. Indoor and sub-base air quality was assessed at the two southern buildings, identified as Building 1 and Building A. Additionally, a subsurface investigation was completed by METI in March 2019 that included eight additional soil borings as well as collection of soil samples. Information on the previous investigations is included in Section III.

An additional soil vapor intrusion assessment was completed in Buildings B and C. Three sub-slab soil samples were collected in each building, for a total of six sub-slab samples. Concurrent indoor air samples were taken at the six locations. Based on analytical testing results and comparison to NYSDOH decision matrix tables, no further action is required in Building B and Building C. Groundwater samples were also collected from five basement sumps with Buildings B and C. VOCs were not detected above method detection limits in the five sump water samples.

Site Geology and Hydrogeology – According to the Surficial Geologic Map of New York, Niagara Sheet (1988) by Donald H. Cadwell and the U.S. Department of Agriculture Soil Conservation Service General Soil Map of Erie County, New York, soils underlying the Site consist of proglacial lake deposits, namely laminated clays and silts. According to the Geologic Map of New York, 1970 (Richard and Fisher), the bedrock underlying the Site is shale and/or limestone of the Skaneateles Formation (Hamilton Group) from the Upper Devonian Period (383 to 358 million years ago).

Based on subsurface investigations completed at the Site, subsurface conditions consist of approximately 4 feet of granular sand and gravel fill material, underlain by lacustrine silt and clay to a depth of approximately 11.5 feet below grade. A gravelly silt with sand was present below the silt and clay, and extended approximately 16 feet below grade, where weather shale bedrock was encountered.

Based on a review of the Site topographic conditions as depicted on the USGS 7.5 minute Topographic Quadrangle Map of Lancaster, New York, Cayuga Creek, a tributary of the Buffalo River, is located approximately 260 feet southwest of the Site. The topographic elevation at the center of the Site (as depicted on Google Earth) is 672 feet above sea level. The elevation of Cayuga Creek closest to the Site is 644 feet above sea level. The Site is generally flat with a gentle slope to the west and southwest towards the Cayuga Creek floodplain. shallow regional groundwater flows is expected to flow in a southwesterly direction toward Cayuga Creek.

Environmental Assessment – Based on the investigation completed in May 2018, February 2019, the primary contaminants of concern in the soil, groundwater and soil vapor include chlorinated solvents, as well as petroleum compounds in groundwater.

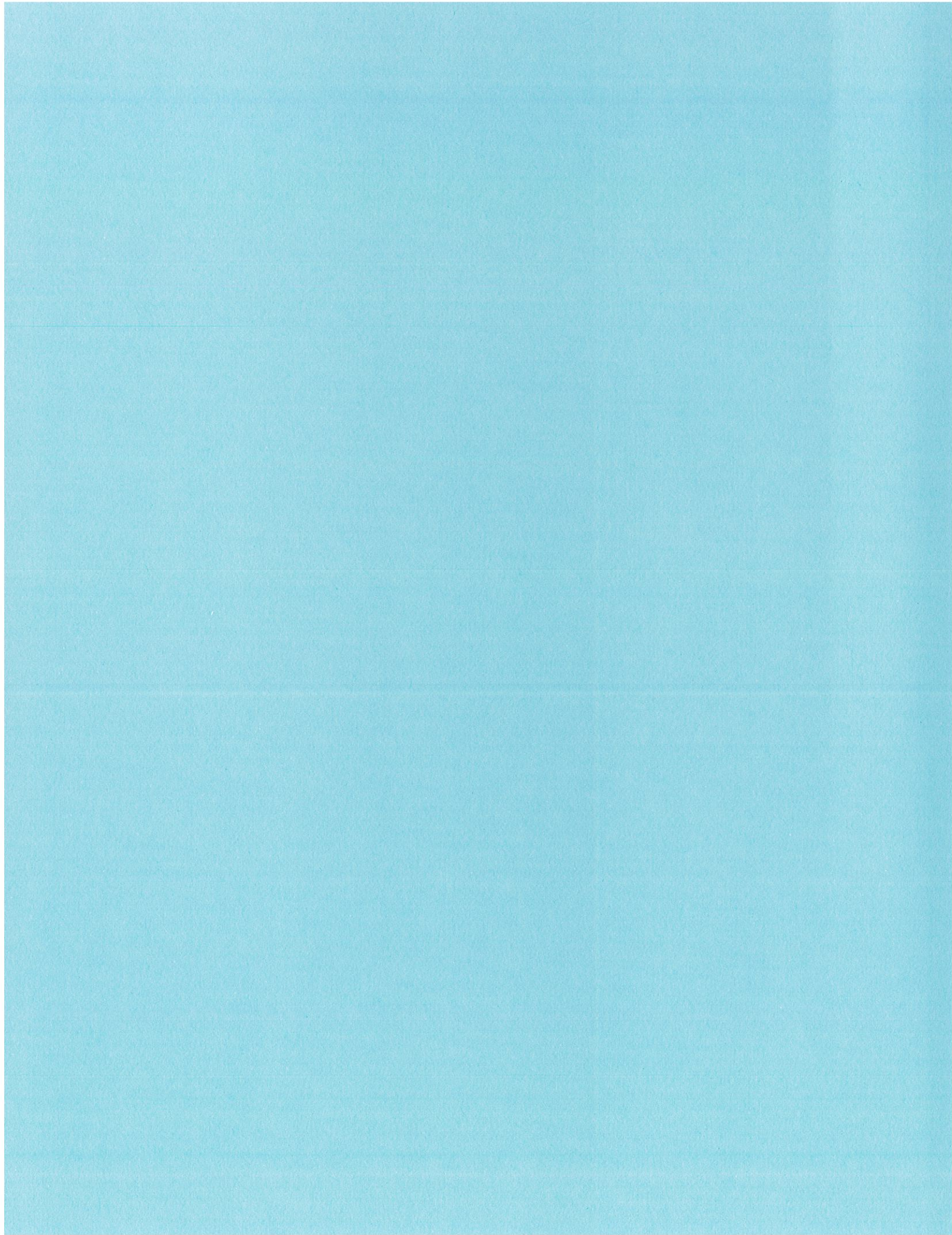
Soil – The contamination at the Site is primarily due to past operations and releases of chlorinated solvents associated with former dry cleaning operations. Chlorinated solvents were encountered in the soil samples within the silt and clay soils, approximately 6 feet below grade. The concentrations of tetrachloroethene (PCE) was up to 13 ppm (Residential SCO - 5.5 ppm; Restricted Residential SCO – 19 ppm).

Groundwater – Several chlorinated solvents were encountered in groundwater samples including PCE at a concentration of up to 1,860 ppm (groundwater standard - 5 ppb), trichloroethene (TCE) at concentration up to 5.3 ppb (groundwater standard – 5 ppb); cis-1,2-dichloroethene (cis-DCE) at concentration of 168 ppb (groundwater standard – 5 ppb); vinyl chloride (VC) at concentration of 10.7 ppb (groundwater standard – 5 ppb); benzene at concentration of 19.5 ppb (groundwater standard – 1 ppb); toluene at concentration of 40.8 ppb

(groundwater standard – 5 ppb); xylene at concentration of 20.3 ppb (groundwater standard – 5 ppb); and 1,2,4-trimethylbenzene at concentration of 5.3 ppb (groundwater standard at 5 ppb). Additionally, PAHs present in groundwater included benzo(a)anthracene at concentration of 0.4 which exceeds the groundwater standard of 0.002 ppb and benzo(b)fluoranthene at 0.416 ppb (groundwater standard – 0.002 ppb).

Basement Sump Groundwater – PCE was detected in the basement sump groundwater at concentration of up to 11.9 ppb (groundwater standard – 5 ppb). VOCs were not detected in basement sump groundwater samples from Buildings B and C.

Soil Vapor – Vapor intrusion sampling was completed in four on-site buildings. Chlorinated solvents including TCE and PCE were detected at indoor and sub-slab samples from Building 1 and Building A. TCE was detected in sub-slab samples at concentrations of up to 66 ug/m³; and within indoor air samples at concentrations up to 4.6 ug/m³. Based on decision matrix, mitigation was required in two samples including one within Building 1 and one within Building A. Additionally, PCE was detected in sub-slab samples at a concentration of up to 35 ug/m³; and indoor air samples at concentrations up to 35 ug/m³. Decision matrix indicated that resampling or mitigation would be needed in Building 1 and Building A. No further action was required in Building B and Building C.



Section VI

Additional Requestor Information

Requestor's Relationships

The Requestor, 65 Lake Avenue LLC, is the current owner of both 65 and 67 Lake Avenue properties. Past owners and relationship with owner:

65 Lake Avenue

Grantee	Grantor	Date	Last known address/phone	Relationship to Requestor
65 Lake Avenue, LLC	Thomas Young	6/13/2005	Unknown	Requestor
Thomas Young	Robert Young	6/24/1970	Unknown	None
Thomas Young	Robert Young and others	4/20/1970	Unknown	None
Robert Young and others	Ralph Young (will)	2/27/1942	Unknown	None
Ralph Young	Frank Young and others	1/30/1911	Unknown	None
Frank Young and others	Jacob Young (will)	12/14/1905	Unknown	None
Jacob Young	Marie Jerge and others	4/20/1882	Unknown	None
Jacob Young	Barbara Jerge and others	3/10/1882	Unknown	None
Barbara Jerge and others	Jacob Jerge (will)	10/28/1880	Unknown	None
Jacob Jerge Sr.	Jacob Jerge Jr. and others	3/19/1975	Unknown	None
Jacob Jerge Jr.	John and Dorothea Jerge	2/19/1874	Unknown	None
John Jerge and John Schrankel	Jacob Jerge Sr.	10/11/1871	Unknown	None
Ebenezer Briggs Jr.	Milton and Helen McNeal	6/1/1860	Unknown	None
Appears property merge occurred				
Sarah Oswald	Irvin Oswald	11/23/1942	Unknown	None
Irvin Oswald and others	Frank Oswald (will)	11/25/1941	Unknown	None
Frank Oswald	Elizabeth Oswald (will)	4/21/1926	Unknown	None

Grantee	Grantor	Date	Last known address/phone	Relationship to Requestor
Elizabeth Oswald	Magdalena Herb and others	11/27/1911	Unknown	None
Magdalena Herb and others	Elizabeth Young (will)	4/21/1911	Unknown	None
Elizabeth Young	Jacob Young (will)	2/26/1892	Unknown	None
Jacob Young Sr. and Elizabeth Young	Henry and Anna Little	2/2/1882	Unknown	None
Henry Little	Guy Little	5/11/1875	Unknown	None
Guy Little	Philander and Emeline Briggs	7/7/1851	Unknown	None

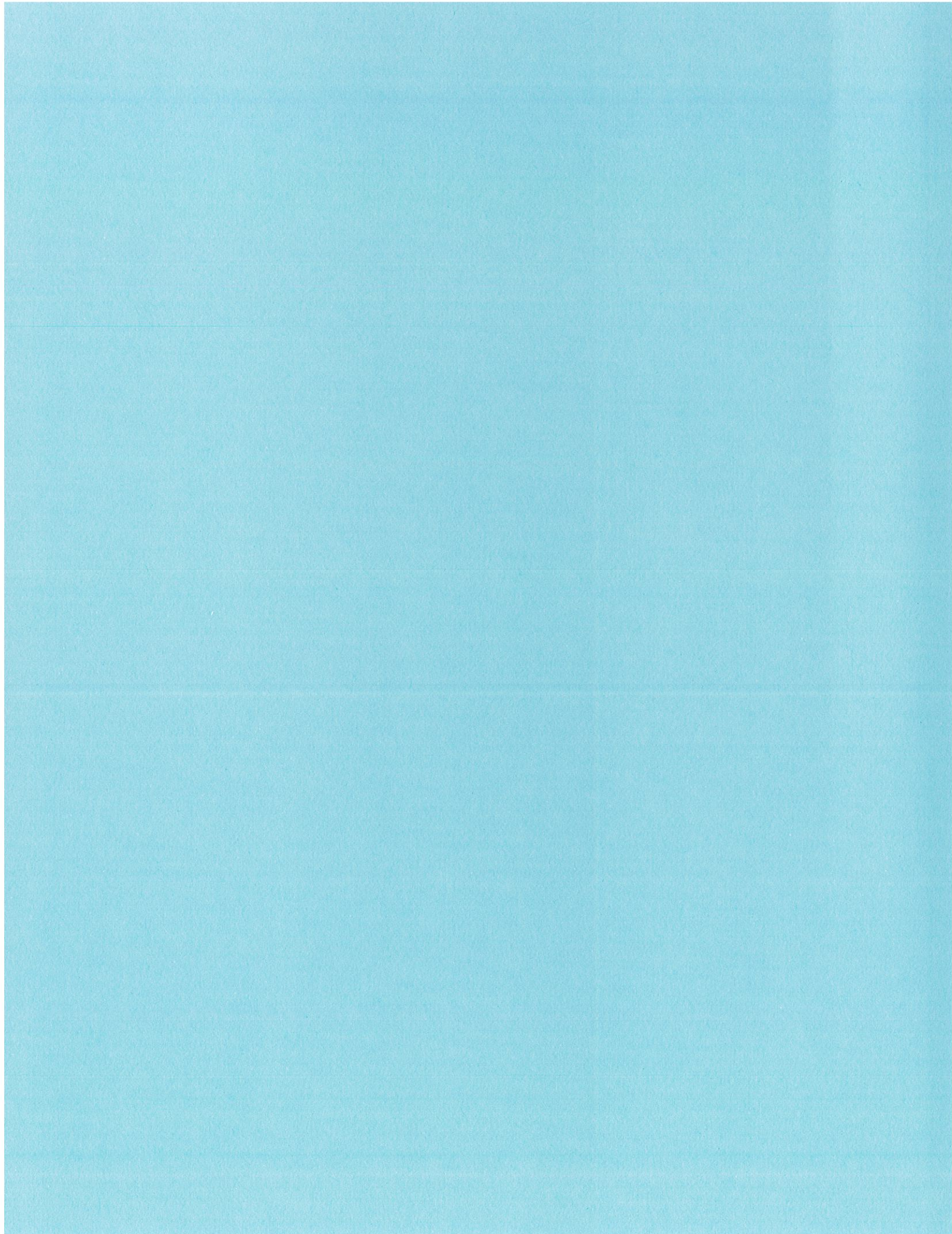
Past owners and relationship with owner:
67 Lake Avenue

Grantee	Grantor	Date	Last known address/phone	Relationship to Requestor
65 Lake Avenue LLC	WIF LLC	8/29/2008	Unknown	Requestor
WIF LLC	Gregory and Marietta Zygaj	3/9/2006	Unknown	None
Gregory and Marietta Zygaj	Thomas Young	7/12/2005	Unknown	None
Thomas Young	Robert Young	6/24/1970	Unknown	None
Robert Young and others	Ralph Young (will)	2/27/1942	Unknown	None
Ralph Young	Charlotte Young	9/29/1906	Unknown	None
Charlotte Young	Jacob Young (will)	12/14/1905	Unknown	None
Jacob Young	Marie Jerge and others	4/20/1882	Unknown	None
Jacob Young	Barbara Jerge and others	3/10/1882	Unknown	None
Barbara Jerge and others	Jacob Jerge (will)	10/28/1880	Unknown	None
Jacob Jerge Sr.	Jacob Jerge Jr. and others	3/19/1875	Unknown	None
Jacob Jerge Jr.	John and Dorothea Jerge	2/19/1874	Unknown	None
John Jerge and John Schrankel	Jacob Jerge Sr. and Barbara Jerge	10/11/1871	Unknown	None

65 and 67 Lake Avenue Operators

In addition to the various record owners of the parcels identified in the abstract of title, the Site has been occupied by a former dry-cleaner and steam laundry. Sanborn map review indicated that Lake Side Laundry and R.R. Young occupied the Site in 1911 and utilized as a steam laundry with coal heat, as well as a cider mill. The 1923 Sanborn map identified the Site occupant as “laundry” and the cider mill were no longer present. Building 1 residential building was also present, reportedly constructed in 1903.

The 1949 Sanborn map identified dry-cleaning at the Site building. The dry-cleaner operated through at least 1980 and the building was demolished prior to 1995. Building 1 continued to be used for residential/apartment. Buildings A, B, and C were constructed in 2006 and utilized for residential purposes.



Section VIII

Property Eligibility Information

2) The Site is currently listed as NYSDEC Site # 915344 as Lake Avenue Apartments on the Registry of Inactive Hazardous Waste Disposal Sites, as classified as Class "P" Site. A "P" listing indicated preliminary information indicates that a Site may have contamination that make it eligible for consideration for placement on the registry. Further information and/or investigation, in form of Site characterization, is needed to determine if a Class P Site qualifies for listing on the registry.



Department of
Environmental
Conservation

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Lake Avenue Apartments

Site Code: 915344

Program: State Superfund Program

Classification: P *

EPA ID Number:

Location

DEC Region: 9

Address: 65-67 Lake Avenue

City:Lancaster **Zip:** 14086

County:Erie

Latitude: 42.89663

Longitude: -78.6679

Site Type:

Estimated Size: 1.181 Acres

Site Owner(s) and Operator(s)

Current Owner Name: 65 Lake avenuellc

Current Owner(s) Address: 32 central avenue
lancaster,NY, 14086

Site Description

Location: The Lake Avenue Apartments is a 1.181 acre site located in a residential area of the Village of Lancaster. The site is bound by residential properties or apartments to north, south, and west. Lake Avenue is the eastern boundary of the site, across which are additional residential properties. Site

Features: The site is relatively flat and consists of three apartment buildings, one house that has been converted into multiple apartment units, asphalt paving, and maintained grass areas. Cayuga Creek is approximately 250 feet southwest of the site. **Current Zoning and Land Use:** The site is zoned for apartment buildings, and is used as such. The surrounding parcels are used as single family homes,

multi-family homes, or apartment buildings. **Past Use of the Site:** The 65 Lake Avenue parcel was used by Lake Side Laundry for commercial laundry services starting in approximately 1911, with dry cleaning service being offered by at least 1949. It is not clear when laundry services/dry cleaning

operations ceased at the site. In 2006 the property was redeveloped into the current Lakeside Village Apartments, which consist of three separate apartment buildings. The 67 Lake Avenue parcel was originally built as a single family home in the early 1900s. The original structure remains, but has been converted into multiple apartments. In May 2018 a limited geophysical and subsurface investigation identified soil and groundwater contamination at the site related to tetrachloroethene (PCE). This contamination was reported to the Department in November 2018. Site Geology and Hydrogeology: Overburden at the site consists of various fill soils, underlain by a mix of sand and clay, followed by a potential gravel layer. Depth to bedrock is approximately 16 feet below ground surface (ftbgs). Groundwater flow direction has not been determined at this time, but depth to water is approximately 4 to 7 ftbgs.

Contaminants of Concern (Including Materials Disposed)

Contaminant Name/Type

trichloroethene (TCE)

tetrachloroethene (PCE)

Site Environmental Assessment

Limited information is available at this time. Preliminary results indicate that soil and groundwater are impacted by tetrachloroethene (PCE) and its breakdown products. Additional investigation of soil, groundwater, and soil vapor intrusion into surrounding buildings is needed to determine the extent of contamination at the site.

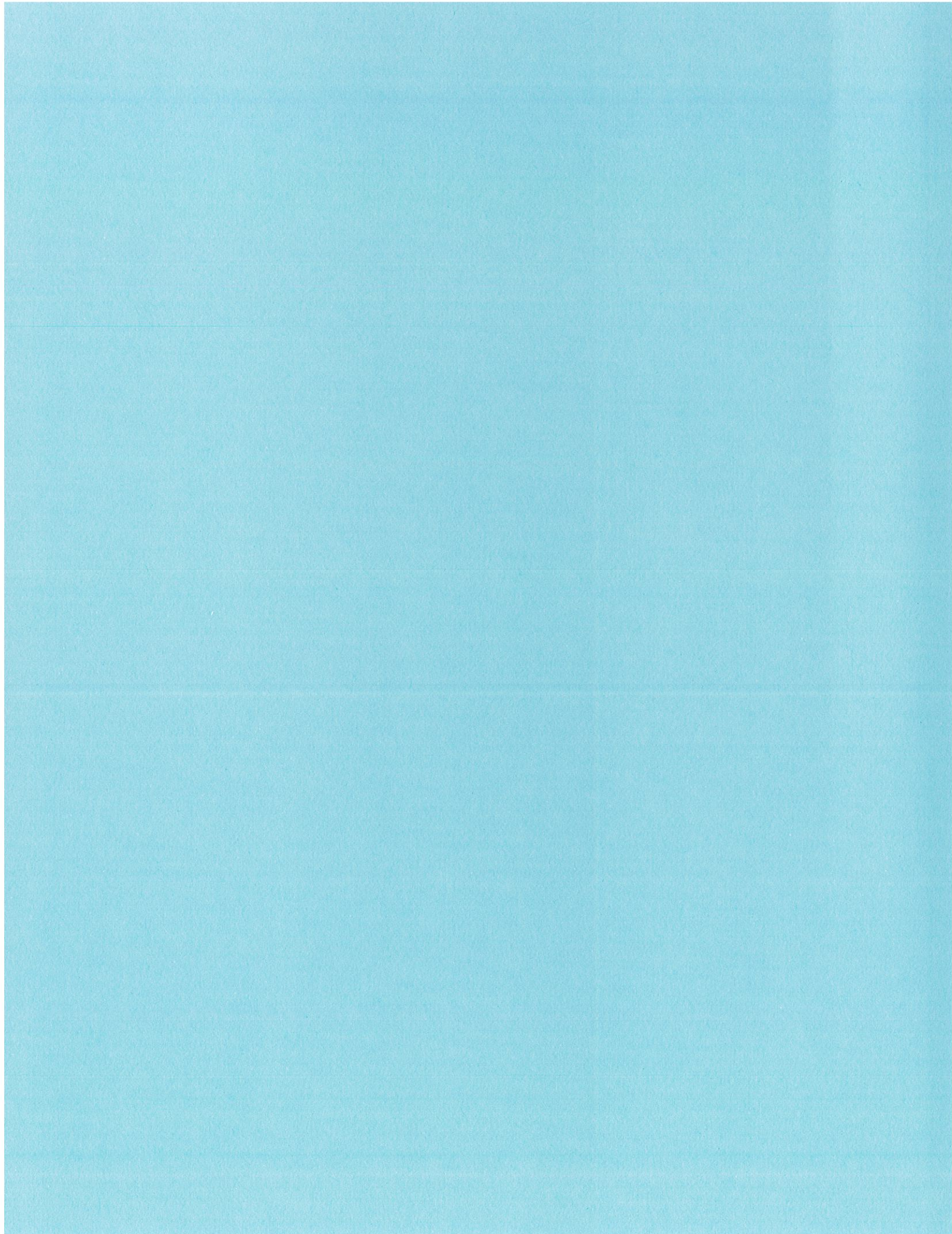
Site Health Assessment

As information for this site becomes available, it will be reviewed by the NYSDOH to determine if site contamination presents public health exposure concerns.

*** Class P Sites:** "DEC offers this information with the caution that it should not be used to form conclusions about site contamination beyond what is implied by the classification of this site, namely, that there is a potential for concern about site contamination. Information regarding a Class P site (potential Registry site) is by definition preliminary in nature and unverified because the DEC's investigation of the site is not yet complete. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

[For more Information: E-mail Us](#)

Refine This Search



Section IX

Contact List

Contact List

Letter from Repository

Contact List		
Federal Representative		
U.S. Representative Chris Collins 27 th District Local Office 8203 Main Street Williamsville, NY 14221 Phone: 716-634-2324	US Senator Hon. Charles E. Schumer 130 South Elmwood Ave. #660 Buffalo, NY 14202 Phone: 716-846-4111	US Senator Hon. Kristen Gillibrand 726 Exchange St., Suite 511 Buffalo, NY 14201 Phone: 716-854-9725
New York Representative		
New York State Senator Patrick Gallivan District Office 2721 Transit Road Suite 116 Elma, NY 14059 Phone: 716-656-8544 Fax: 716-656-8961	New York State Assemblymember Monica Wallace District Office 2562 Walden Avenue Suite 102 Cheektowaga, NY 14225 Phone: 716-686-0080 Fax: 716-686-3752	
Erie County Representative		
Erie County Executive Mark Poloncarz 95 Franklin Street 16th Floor Buffalo, NY 14202 (716) 858-8500	Erie County Clerk Michael P. Kearns 92 Franklin Street Buffalo, NY 14202 (716) 858-8865	Commissioner of Environment and Planning Thomas R. Hersey, Jr. Edward A. Rath County Office Building 95 Franklin Street 10th Floor Buffalo, NY 14202 (716) 858-8390
Town of Lancaster Representative		
Office of the Mayor Mayor William C. Schroeder 5423 Broadway Lancaster, NY 14086 (716) 683-2105	Council Supervisor Johanna Coleman Town Hall 21 Central Avenue Lancaster, NY 14086 (716) 683-9028	Lancaster Town Clerk Diane Terranova Town Hall 21 Central Avenue Lancaster, NY 14086 (716) 683-9028
Planning Board Neil Connelly Chairman/Member of Planning Town Hall 21 Central Avenue Lancaster, NY 14086 (716) 683-9028		

Adjacent Property Owners		
Jolie Young 59 Lake Avenue Lancaster, NY 14086	Mike Chapman 55 Lake Avenue Lancaster, NY 14086	Occupant 69 Lake Avenue Lancaster, NY 14086
69 Lake Avenue William Severyn 741 Schwartz Road Lancaster, NY 14086	Corey Norman 58 Park Boulevard Lancaster, NY 14086	Robert Lawson 60 Park Boulevard Lancaster, NY 14086
Jeffery Raichel 62 Park Boulevard Lancaster, NY 14086	William Gee 68 Park Boulevard Lancaster, NY 14086	Alan Champagne 58 Lake Avenue Lancaster, NY 14086
Denise Sciortino 60 Lake Avenue Lancaster, NY 14086	Dennis McIntyre 62 Lake Avenue Lancaster, NY 14086	Occupant 3 Franklin Street Lancaster, NY 14086
3 Franklin Street Michael Burke 1720 W Diversey Avenue Chicago, IL 60614		
Local News Media		
Buffalo News One News Plaza PO Box 100 Buffalo, NY 14240 Phone: 716-842-1111	WGRZ – TV Channel 2 259 Delaware Avenue Buffalo, NY 14202 Phone: 716-849-2222 Fax: 716-849-7602	WIVB – TV Channel 4 2077 Elmwood Avenue Buffalo, NY 14202 Phone: 716-876-7333 Fax: 716-874-8173
WKBW – ABC Channel 7 7 Broadcast Plaza Buffalo, NY 14202 Phone: 716-845-6100	WUTV – FOX (Channel 29) 699 Hertel Ave., Suite 100 Buffalo, NY 14207	Lancaster Bee – Bee Group Newspapers 5564 Main Street Buffalo, NY 14221
Public Water Supplier		
Erie County Water Authority 295 Main Street Room 350 Buffalo, NY 14203		
Persons who have requested to be on the list		
None requested		
Administrator of School and Daycare Facilities near the Property		
Go & Grow Preschool Center 5505 Broadway Lancaster, NY 14086 Ms. Kristen McGinnis – Owner/Director	Lancaster Middle School 148 Aurora Street Lancaster, NY 14086 Peter Kruszynski – Principal	
Local Document Repositories		
Lancaster Library 5466 Broadway Lancaster, NY 14086 719-683-1120 Kara Stock – Director	NYSDEC Region 9 Office 270 Michigan Avenue Buffalo, NY 14203 716-851-7220	

From: April Tompkins [<mailto:tompkinsa@buffalolib.org>]

To: gbittner@hazardevaluations.com

Subject: FW: Repository Request

Good afternoon Michele,

This is to inform you and confirm that the Buffalo and Erie County Public Library will be the repository for the Brownfield Clean Program document(s) and will be made available for public review. ***Also, this serves as permission to submit future document and updates.***

Please keep the following in mind:

- Documents (including updates) for public review should be sent or brought in person to the Central Library to the attention of Carol Batt, of whom I assist. Documents sent via e-mail will not be accepted. The mailing address is:

**Attention: April Tompkins
Buffalo and Erie County Public Library
1 Lafayette Square
Buffalo, NY 14203**

- Documents for the Central/Downtown library are made available on the first floor in the Information Services Department within a day or so after receipt. If received Friday afternoon, they go out the following Monday.
- If you would like the document(s) distributed at libraries other than Central, you will need to send the appropriate quantity of copies with labels regarding their destinations. We will distribution accordingly. We do not make copies for distribution.
- It's your choice regarding the format (hard copy and / or disk) you wish to submit. If the document is very large, part in hard copy and part on disk is acceptable. If submitting in both formats, please be sure that they are titled/labeled accordingly. Although CD-ROMs cannot be used on public library computers, if someone brings in their personal laptop, the disc can be viewed in house. If optional, an alternative is the availability to go online using a provided link for patrons to read/review/print.

If you still have any questions/concerns, please feel free to contact me by replying to this e-mail or by phone at 716-858-7129. Thank you.

Regards,

April Tompkins, Sr. Library Clerk

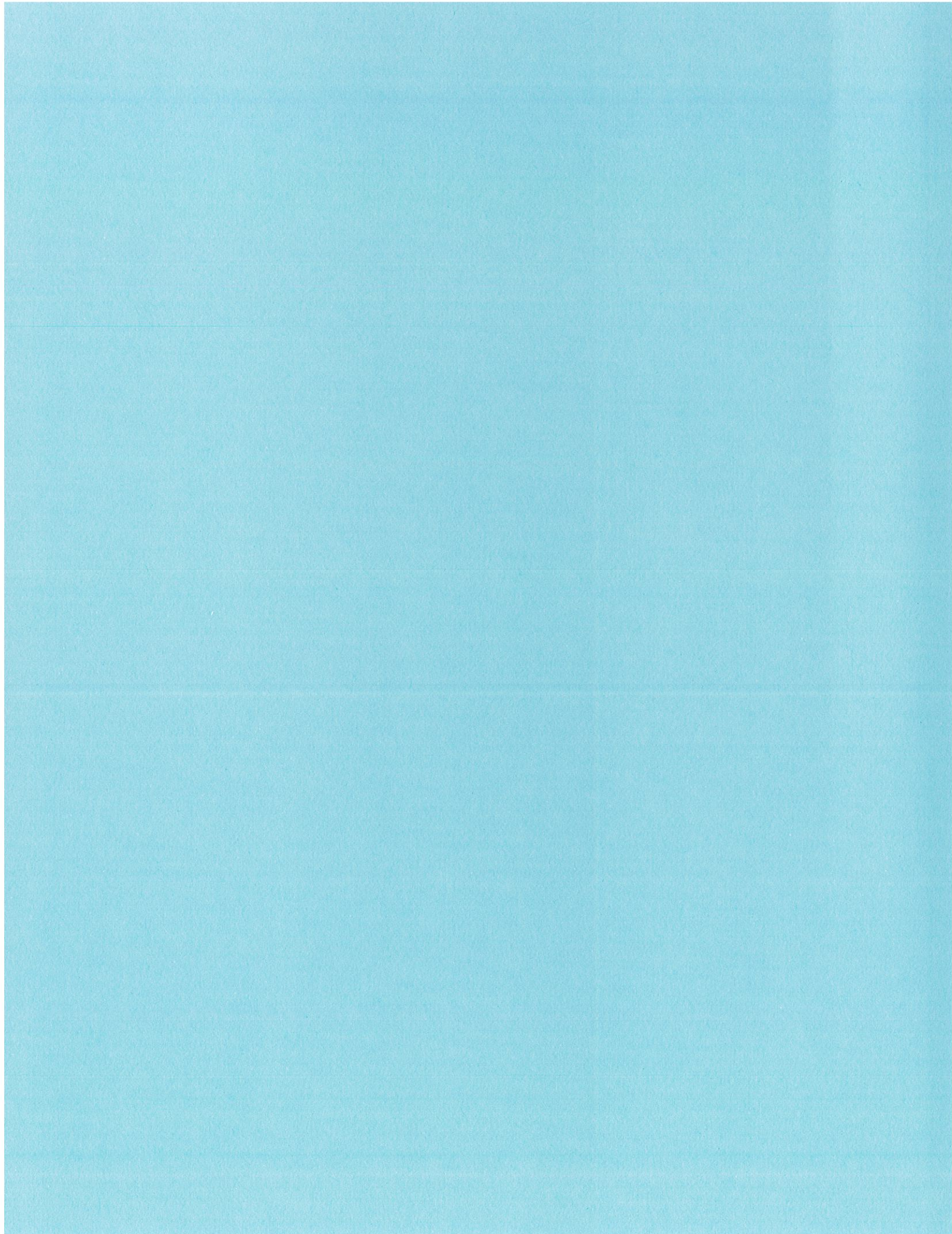
Office of Chief Operating Officer & Information Technology

Buffalo and Erie County Public Library

1 Lafayette Square | Buffalo, NY 14203

Voice: 716-858-7129 | Fax: 716-858-6211

E-mail: tompkinsa@buffalolib.org



Section X

Land Use Factors

2. Current Use – Site is currently utilized as Lakeside Village Apartments, including one apartment building and three townhome buildings. Specific on-site current usage of possible contaminant sources is not known. Historically, a dry-cleaner building was located on the east side of 65 Lake Avenue and northern portion of 67 Lake Avenue and suspect area of historical contaminant source.

3. Reasonably Anticipated Use Post Remediation – The Site is currently developed for residential purposes and utilized as apartment building. The anticipated future use will remain apartment buildings.